

1 UNITED STATES DISTRICT COURT
2 NORTHERN DISTRICT OF NEW YORK

3 -----
4 UNITED STATES OF AMERICA,

5 -versus-

08-CR-77

6 LINDA O'CONNOR and DEAN SACCO.
7 -----

8 TRANSCRIPT OF JURY TRIAL

9 held in and for the United States District Court,
10 Northern District of New York, at the Federal Building and
11 Courthouse, 15 Henry Street, Binghamton, New York, on
12 WEDNESDAY, May 14, 2008, before the HON. THOMAS J. McAVOY,
13 Senior United States District Court Judge, PRESIDING.

14 APPEARANCES:

15 FOR THE GOVERNMENT:

16 UNITED STATES ATTORNEY'S OFFICE

17 BY: MIROSLAV LOVRIC, AUSA

18 Binghamton, New York

19 FOR THE DEFENDANT O'CONNOR:

20 FEDERAL PUBLIC DEFENDER'S OFFICE

21 BY: LISA PEEBLES, AFPD

22 Syracuse, New York

23 FOR THE DEFENDANT SACCO:

24 KELLY FISCHER, ESQ.

25 Binghamton, New York

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1 (In open court)

2 THE COURT: Miss Chesebro, you don't have to
3 be sworn again. You're still under oath, ma'am.

4 (Jury present)

5 THE COURT: Morning, ladies and gentlemen.
6 Miss Chesebro is here, ready to go.

7 So Mr. Lovric, you have some questions.

8 MR. LOVRIC: Yes, Judge.

9 DIRECT EXAMINATION CONTINUED

10 BY MR. LOVRIC:

11 Q Miss Chesebro, when we left off yesterday around 5
12 PM, the next event that I'd like to talk with you about to
13 continue in the time frame is: Shannon was in foster care
14 with the foster family that you described until approximately
15 when?

16 A September 19, 2007.

17 Q And then where did she go on September 19 of 2007?

18 A She was then assessed to be in need of inpatient
19 psychiatric treatment.

20 Q And where was she placed?

21 A She was admitted to the Greater Binghamton Health
22 Center.

23 Q And what was it in terms of the information that
24 came to you that caused you to believe that she needed to go
25 to the Binghamton Health Center?

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1 A She was overwrought with emotion and suicidal.

2 Q And was she then actually admitted and placed into
3 the Binghamton Health Center?

4 A Yes, she was.

5 Q And at that time was Shannon, in so many words,
6 conveying information about wanting to commit suicide?

7 A Yes, she was.

8 Q Her admission into the Binghamton center, was that
9 primarily based upon her suicidal expressions and suicidal
10 thoughts?

11 A Yes.

12 Q Now, while Shannon was in the Binghamton Health
13 Center, on or about October 24 of 2007, was there a
14 proceeding called a permanency hearing?

15 A Yes, there was.

16 Q Okay. What is that?

17 A Permanency hearing takes place eight months after
18 the child was placed in foster care, and after that it's
19 every six months afterward. Permanency hearing gives the
20 court an update on the child and the family, the progress,
21 the goals and the department's involvement with the family.

22 Q Okay. Now, when you say court, you're referring to
23 what court?

24 A Family Court.

25 Q The same Family Court we have been discussing

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1 yesterday?

2 A Yes.

3 Q And what information was included in the permanency
4 hearing conducted on October 24?

5 A It included information about Shannon's mental
6 health counseling and her participation in that. Linda's
7 mental health counseling and participation. The attempts of
8 the agency to involve Linda in appropriately budgeting her
9 finances. I'd like to look at my report.

10 It included any attempt for our department to find
11 any relatives that were a suitable placement for Shannon, as
12 well as her involvement with her foster family at the time.
13 It did include the information that Shannon had been placed
14 at the Greater Binghamton Health Center as well.

15 Q Okay. And in that report did you or -- well, let
16 me ask you: Who prepared that report?

17 A I did.

18 Q Okay. Did you in that report also advise the court
19 of the various issues that Linda O'Connor had with respect to
20 finances?

21 A Yes.

22 Q Living, ability to provide a good living
23 environment for Shannon and those kind of things?

24 A Yes.

25 Q Now, based on that permanency hearing on

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1 October 24, what did the court do or say was going to be the
2 next step?

3 A The court approved my permanency report and
4 approved that the current goal would be to continue placement
5 with the goal of returning her to her parent but that there
6 was an anticipated plan that she wouldn't be able to make the
7 changes and possibly be placed for adoption.

8 Q So if I understand you correctly, there was at this
9 point in time a mixed view or evaluation of what would or
10 wouldn't possibly happen in the future with respect to Linda
11 O'Connor getting custody back of Shannon?

12 A We call it concurrent planning so that there's
13 always two plans in the works. There was the current
14 planning, continuing to work with the family to meet their
15 needs with the hopes that Shannon could return home, but in
16 the event that wasn't able to happen, we had had a
17 generalized plan for the future that she could be placed for
18 adoption.

19 Q Okay. That's as of October 24?

20 A Yes.

21 Q As of October 24, had Shannon disclosed, to your
22 knowledge, to anyone, to yourself or anyone else, any sexual
23 abuse by Linda O'Connor of Shannon?

24 A Not any actual sexual abuse.

25 Q And on October 25 of 2007, the day after the

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1 permanency hearing, did Shannon disclose to you certain
2 information, including Mr. Sacco as well as her mother Linda
3 O'Connor?

4 A Yes, she did.

5 Q And where was that interview of Shannon O'Connor
6 conducted?

7 A It took place at the Greater Binghamton Health
8 Center.

9 Q I'd like to show you what I've marked as
10 Government's Exhibit Number 106.

11 Miss Chesebro, if you take a look at Exhibit 106.
12 And can you just tell us what that is, if you recognize it.

13 A Yes. It's my progress note from October 25 of
14 2007.

15 Q And did you prepare those notes?

16 A Yes.

17 Q And do those notes summarize to some degree of
18 detail the interview of Shannon O'Connor on October 25 of
19 2007?

20 A Yes.

21 MR. LOVRIC: Judge, I would offer Government's
22 Exhibit 106 into evidence.

23 MISS PEEBLES: No objection.

24 MR. FISCHER: No objection.

25 THE COURT: Receive Government's 106 in

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1 evidence.

2 MR. LOVRIC: With the Court's permission, I'd
3 like to publish by reading Government's Exhibit 106.

4 THE COURT: Yes.

5 Q Miss Chesebro, do you have also a copy of this
6 report in front of you?

7 A Yes, I do.

8 Q I'm going to read the 106 exhibit, but I ask you to
9 follow along just in case I misstate something.

10 A Yes.

11 Q And I will also put on the screen Exhibit 106 as I
12 read it. I'll start reading the progress note narrative.

13 "Interview with Shannon after her treatment team
14 meeting. Present for most of the time was Lisa
15 Florance-Diaz, GBHC social worker. The team interview
16 process took over two hours. She was hesitant to disclose
17 and kept saying she couldn't talk about things because she
18 was scared. Her emotions varied throughout, sometimes
19 remaining calm and sometimes crying. It was extremely
20 difficult to reassure Shannon of her safety and for her to
21 understand what happened was not her fault. I asked Shannon
22 how she was doing, and her response was awful. I told her I
23 was glad she was honest and not trying to pretend everything
24 is okay. Shannon said things aren't okay and she has more to
25 tell. I told Shannon that was why I was there. I asked

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1 Shannon if something happened to make her decide she needed
2 to talk about whatever else has gone on. She doesn't think
3 there was anything in particular that triggered it but said
4 she just can't keep everything inside anymore. Shannon asked
5 if I was mad at her because she hadn't told the full truth
6 from the start? I told Shannon I was not mad at all but that
7 I did want her to talk about it now so she can keep getting
8 better. Shannon continually said 'I can't say it' and
9 similar statements. Shannon appeared very uncomfortable so I
10 told her we could come back to this topic in a bit, but I
11 wanted to talk then about what she shared with the nurse.
12 Shannon matter of factly said her mom had let her drink on
13 many occasions. Shannon mainly remembers drinking wine
14 coolers but also vodka on occasion. Shannon said her mom and
15 George Lang would allow her two to three vodka and orange
16 juice drinks to get -- to get her loopy. I asked her for an
17 explanation of what that meant. Shannon described loopy as
18 everything's funny, she laughed a lot and couldn't walk
19 straight. Shannon knows it was vodka she drank because she
20 would see her mom and/or George make the drink. Shannon was
21 first given medication sometime after the third time Dean
22 sexually abused her. Shannon went to her mom because she
23 couldn't sleep. Her mom gave her five Vicodin and said it
24 would help her sleep. Shannon knows the pills were Vicodin
25 because she saw the bottle her mom got them from and they

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1 were prescribed to her for kidney stones. She described them
2 as white. Shannon started puking about half hour after
3 taking them. She told her mom, who said to puke in the
4 bathroom and then went to bed herself. After she finally
5 stopped puking, she was constantly dizzy and had stabbing
6 stomach pains. Shannon continued to be sick for over a week,
7 during which time she missed school and never went to the
8 doctor. Shannon reminded me this was the time she was sick
9 from school and tall Brian (CW Brian Christopherson) had
10 brought her homework to her at home.

11 "The second time Shannon was given medication not
12 prescribed by her was after New Year's Eve. Shannon wasn't
13 sure of an exact date. Says it was -- remembers when they
14 had little food in the house. Shannon had been complaining
15 of a headache, which she attributed to thinking a lot. Her
16 mom gave her a pill and said to take it with wine coolers.
17 The pill looked the same as Vicodin her mom had given her
18 before. Shannon then had four strawberry kiwi wine coolers
19 but her mom had two to three berry wine coolers. At one
20 point while they were drinking these, Shannon fell and her
21 mom laughed at her. Shannon said Buddy the dog barked at
22 this and her mom told him to shut up. Shannon reported after
23 drinking the fourth drink, she blanked out. She woke up in
24 her bed and assumed she fell asleep.

25 "Shannon and Linda each had one wine cooler the day

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1 before Shannon was removed to foster care. Shannon said this
2 was after her mom had been arrested for not paying at Pizza
3 Hut and they were watching -- and they were watching Juvies
4 together on MTV. That night Shannon couldn't stop crying and
5 was sure she would also get in trouble for not paying at
6 Pizza Hut.

7 "On New Year's Eve, Shannon had two or three wine
8 coolers at the house with her mom and Dean Sacco. Buddy also
9 had some of the wine cooler that Linda had poured in the
10 dog's dish. Dean had brought beer for himself and wine
11 coolers for Shannon and Linda. They had spaghetti with no
12 sauce for dinner, but Shannon reported not eating because
13 Dean was there. They also watched the ball drop that night.

14 "Shannon also recalled having a wine cooler around
15 Halloween of this past year, stating she knows it was then
16 because they had decorations up around the house. Shannon
17 only had one drink because she didn't like the taste of it,
18 but couldn't recall the flavor.

19 "Shannon denied smoking anything in her mom or
20 Dean's presence. She had tried cigarettes and cigars once in
21 the fourth grade with a girl named Miranda. Shannon was
22 scared her mom would be mad at her after being arrested for
23 not the court -- following the court order.

24 "Shannon didn't notice her mom acted any different
25 after the arrest. She attributes this to never being alone

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1 with her mom because all visits were supervised. She thinks
2 if she had unsupervised visits or was living with her mom
3 that she would have gotten yelled at and hit for telling what
4 Dean did to her. Shannon said her mom seemed happy while in
5 jail.

6 "Shannon talked about her mom inviting Dean to have
7 Thanksgiving dinner with them. Shannon was mad that Dean was
8 there and feels her mom should have been concerned because
9 she wasn't eating and was crying. Buddy the dog was her only
10 comfort. Dean and her mom drank beer while Shannon had
11 watermelon wine coolers and Bahama Mama wine coolers.

12 "The week after Thanksgiving Shannon felt she would
13 blow up if she didn't tell someone what Dean was doing to
14 her. She told her mom Dean was doing inappropriate stuff.
15 Her mom asked for no further clarification and said it's fine
16 because we have a roof over our head and it's better than
17 being homeless. Shannon then cried and screamed. She went
18 to her room and cried some more. Shannon thought at that
19 time of running away or hurting herself. After this her mom
20 didn't act any different. Shannon reported her mom needed to
21 slowly pay off rent because she owed a lot, over three
22 months' worth. Shannon feels her mom should have known what
23 was going on with Dean. Not only did she tell her mom he was
24 doing inappropriate things, but one time before New Year's,
25 Shannon came down from having been abused in the upstairs and

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1 was crying. Her mom looked at her, turned away and went in
2 her bedroom. Shannon then took a long shower to clean
3 herself and cried.

4 "Shannon reported her mom made her steal diet pills
5 from Rite Aid. Shannon was worried she could be arrested for
6 that now, even though it happened a while ago. She said it
7 was Lexatrim that her mom told her to steal. It came in a
8 white bottle with green lettering. Shannon reported her mom
9 hid all -- all alcohol and diet pills in the -- her mom hid
10 them because she knew you and Naomi sometimes checked the
11 refrigerator.

12 "Shannon reported her mom and photographs were
13 involved with a time Dean sexually abused her, which she had
14 not disclosed before. This would have been the third time
15 Dean raped her and occurred before Thanksgiving 2006.
16 Shannon could not recall what time it was but said it was
17 after lunch. Shannon had been in her room listening to
18 Carrie Underwood. Someone knocked on the apartment door.
19 Her mom answered and it was Dean. Dean and her mom came into
20 her bedroom. Dean told Shannon to take her clothes off,
21 which she did. He said her mom would watch and take pictures
22 and that if she screamed, no one would hear her. After her
23 clothing was off, Dean told her to lie on the bed. At that
24 time her mom was sitting against the door. She reported,
25 'Dean was kissing me and putting his dick inside me.' She

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1 could see her mom get up, take a picture, sit down, get up,
2 take a picture, etcetera. Shannon said this made her want to
3 'punch my mom in the face.' She reported her mom had put her
4 tiger sheet up over the window while at school. Shannon at
5 that time -- at that time -- excuse me. Shannon thought at
6 that time it was because she was explaining the sun beamed in
7 there and the neighbors were nosey, but now Shannon suspects
8 it was because her mom knew what she and Dean were going to
9 do. Shannon believes her mom took three or four pictures.
10 She did not hear the camera make any noises. She said the
11 camera belonged to Dean and was silver. She described the
12 size of the camera, leading me to believe it was digital.
13 When Dean finished raping her, he got dressed and he and her
14 mom left Shannon's bedroom. Shannon took a shower right
15 away, locking both doors that lead to the bathroom. She felt
16 like running away then but couldn't get out of her bedroom
17 window because it was painted shut. Shannon and her mom
18 didn't talk for two days after. One of those days Shannon
19 went to Brook Parmalee's house until 8:00 PM and did homework
20 when she got home so she wouldn't have to talk to her.

21 "The second time that Dean raped Shannon he also
22 took pictures. This occurred the week after Shannon returned
23 home from living at Renee Lang's. After raping her, Dean
24 used a camera to take pictures of her while still naked. He
25 would move her arms and legs around to the position he wanted

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1 and told her to stay. At first Shannon told him no. He got
2 mad at that and backhanded her across the face. She said the
3 area became red but it didn't leave a bruise.

4 "The third time Dean took photos of her was a
5 couple of weeks before Shannon went into foster care.
6 Shannon was told to go upstairs under the guise she and Dean
7 would be playing Jenga in the room at the front of the house.
8 Dean took pictures of himself kissing her. Shannon imitated
9 how he did this, holding an imaginary camera in front of her
10 as if taking several portraits. She remembers that Dean was
11 wearing a button-down flannel shirt that day and he had
12 candles burning around the room. After taking approximately
13 seven photographs of Shannon naked, both with Dean and by
14 herself, he raped her. She believes the same camera was used
15 during all three times the photos were taken. She described
16 the camera being on something with three legs that was --
17 sounded to be a tripod. While on the tripod, Dean would
18 touch something on the camera and then walk away.

19 "The second to last time that Dean raped Shannon,
20 she told him she was sick of it and would tell someone. Dean
21 told her he would stab her and while she was slowly dying he
22 would rape her. Shannon is sure he means this and will find
23 a way out of jail to get to her. I explained all of the
24 security at the Chenango County Jail and reviewed security at
25 GBHC. She could not be reassured.

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1 "Shannon said that after a while you just give up.
2 Linda would hit Shannon when she wouldn't do what was
3 expected of her. She remembers an instance when her mom told
4 her to take the dog out so Shannon was getting her coat on
5 but then her mom told her to do the dishes. Shannon didn't
6 know which she should do first and her mom got angry. Linda
7 threw a snowman plate in Shannon's direction which shattered
8 when it hit the wall. Shannon was upset that her mom broke
9 something Shannon had given her as a present.

10 "Shannon talked about the time she ran away from
11 the Hamiltons with Mandy. Shannon said she wouldn't do
12 something like that again and she learned that Kim won't give
13 up on her even if she makes bad choices like that. She
14 doesn't believe her mom would love her unconditionally like
15 Kim does. Shannon told me a quote she made up recently.
16 Love me or hate me, at least you're thinking of me. She said
17 that's how she feels about her mom.

18 "Shannon had her dinner in the room with me but
19 barely ate anything. By the time I left she was much calmer
20 but appeared exhausted. She reported feeling drained and
21 said she would probably go to bed early."

22 And then there's an ending note with respect to you
23 notifying Dr. Toth, is that correct?

24 A Yes.

25 Q Now, the information that I just read in

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1 Government's Exhibit 106, is that what Shannon told you on
2 October 25?

3 A Yes.

4 Q Following that disclosure by Shannon O'Connor, did
5 you then notify any police agency?

6 A Yes. I spoke to Detective Blenis of the Norwich
7 City Police.

8 Q Okay. Same detective you talked about yesterday?

9 A Yes.

10 Q And did you then make arrangements to have Shannon
11 interviewed with Detective Blenis being present?

12 A Yes.

13 Q And where were those arrangements made for the
14 interview to be conducted?

15 A At the Broome County Child Advocacy Center.

16 Q And on October 29 of 2007, was that interview
17 conducted at the child advocacy center?

18 A Yes, it was.

19 Q And who was present when Shannon was interviewed on
20 that date?

21 A Myself and Detective Blenis.

22 Q And was that interview of Shannon actually
23 videotaped?

24 A Yes.

25 Q And have you had a chance -- Since the videotaping

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1 of that interview on October 29, have you had a chance to
2 view and review that tape?

3 A Yes, I have.

4 Q And is it fair to say, Miss Chesebro, it's a little
5 difficult -- withdraw that -- it's very difficult to hear a
6 lot of that tape unless you play it perhaps over and over?

7 A Yes.

8 Q Now, you were present during that videotaping, is
9 that correct?

10 A Yes.

11 Q And having reviewed that interview in that tape,
12 were the things that you and Detective Blenis discussed with
13 Shannon October 29, were they consistent with what she told
14 you on October 25?

15 MISS PEEBLES: I'm going to object. It's in
16 evidence, your Honor.

17 THE COURT: Sustained.

18 Q You were present during the October 29 interview?

19 A Yes.

20 Q Okay. And who was asking questions of Shannon
21 O'Connor?

22 A Primarily Detective Blenis, but myself as well.

23 Q Okay. And the topics discussed were the things
24 that Shannon had talked to you about previously to that?

25 A Yes.

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1 Q Okay. Now, after the October 29 -- let me withdraw
2 that. The disclosures by Shannon O'Connor on October 25 and
3 the progress notes that I read to you and then on October 29,
4 is that the first time that you became aware of Shannon
5 describing Linda O'Connor's involvement in any sexual abuse
6 of her?

7 A Yes.

8 Q That's the first time Shannon has disclosed that?

9 A In October, yes.

10 Q Now, I'd like to direct your attention to the date
11 of November 6 of 2007. On that date, did you become aware of
12 Shannon attempting to commit suicide?

13 A Yes.

14 Q How did you become aware of that?

15 A I received a phone call that night.

16 Q And who did you receive a phone call from?

17 A Adriana, she's a staff member at the Greater
18 Binghamton Health Center.

19 Q I'd like to show you what I've marked as
20 Government's Exhibit 107.

21 MR. FISCHER: Your Honor, although we have all
22 of these records, I haven't interviewed them independently.
23 I'd like to take a moment so I understand which record this
24 is.

25 THE COURT: Absolutely. Go ahead.

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1 MR. FISCHER: Thank you. Thank you.

2 THE COURT: Okay. Mr. Lovric.

3 BY MR. LOVRIC:

4 Q Miss Chesebro, if I can show you Government's
5 Exhibit 107. If you can just take a look at that and
6 indicate if you recognize it and what you recognize it to be.

7 A The progress notes I've written.

8 Q And on that first page, is there a progress note
9 that you wrote regarding this conversation with Adriana?

10 A Yes.

11 MR. LOVRIC: Your Honor, I would offer
12 Government's Exhibit 107 into evidence.

13 MR. FISCHER: No objection.

14 MISS PEEBLES: No objection.

15 THE COURT: Receive Government's 107 in
16 evidence.

17 Q I put on the screen, Miss Chesebro, Exhibit 107,
18 and in the center of the screen I now have your progress note
19 regarding this call from Adriana. Do you see that?

20 A Yes.

21 Q And let me just back up, Miss Chesebro, because I
22 think I actually wanted to ask you a question before we got
23 to that. The suicide attempt by Shannon occurred on November
24 6?

25 A Yes.

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1 Q And do you recall what time of the day it was that
2 you were notified that she had attempted suicide?

3 A I was notified in late evening.

4 Q Okay. And prior to being notified of that had you
5 also spoken to Adriana at the Binghamton Health Center prior
6 to getting that call?

7 A Yes, I did.

8 Q And in that previous call, did Adriana discuss with
9 you how Shannon was doing and some things that Shannon was
10 writing in poetry, things of that nature? Maybe if I can
11 just direct you. If you look at Exhibit 107, which I'll put
12 on the screen right now. And there's a progress note dated
13 11/6/07, 6:15 PM. Do you see that?

14 A Yes.

15 Q Is that a conversation you had with Adriana
16 regarding Shannon and how she's doing?

17 A That's a conversation I actually had with Shannon
18 herself. The phone call originated with Adriana and then she
19 turned the phone over to Shannon.

20 Q So she puts Shannon on the phone and you speak
21 directly to Shannon?

22 A Yes.

23 Q And that's earlier in that day?

24 A Yes.

25 Q Okay. And then describes for you what it says in

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1 this progress note, I take it?

2 A Yes.

3 Q And if you read in that note, she talks about
4 writing poems, things of that nature?

5 A Yes.

6 Q And if I can read in the middle of that progress
7 note, it states the following: "Shannon said the last two
8 days have been difficult. She's having a mixture of emotions
9 and does not know if something in particular triggered it.
10 She has written eight poems since we talked last, all of
11 which are about death. She hasn't written any letters to her
12 mom but said most of her poems are directed towards her mom.
13 Shannon thinks her mom has wanted her to die all along. She
14 asked again if Detective Blenis has talked to her mom. I
15 reminded Shannon I told her I would let her know when that
16 takes place. Shannon said she wants me to visit so she can
17 cry in your arms. She says she's needs a good cry and feels
18 comfortable doing that in my presence."

19 When you have this conversation with Shannon
20 O'Connor, is -- to your knowledge is Shannon aware whether or
21 not the police at any point would be confronting Linda
22 O'Connor with the disclosures she made in October about
23 Linda's participation?

24 A Yes. She knew that would be taking place at some
25 point.

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1 Q How do you know that she knew that?

2 A Myself and Detective Blenis had both shared that
3 with her.

4 Q So that took place sometime after that videotaped
5 interview of her.

6 A Yes.

7 Q And then it was -- excuse me. Then it was later
8 that same evening that you learned Shannon tried to commit
9 suicide?

10 A Yes.

11 Q How was it that Shannon tried to kill herself?

12 A She used a shoelace around her neck.

13 Q And how was she found or discovered?

14 A She was found by a staff member in her room.

15 Q Did you know or were you made aware whether or not
16 there was a suicide note that was found?

17 A Yes.

18 Q What do you know about the suicide note?

19 A I have -- I was faxed a copy of it by her therapist
20 the following day, and it contained a poem, and then I guess
21 I would describe it like sort of a time line of the events of
22 Shannon's abuse.

23 Q After the suicide attempt on November 6, was
24 Shannon placed in or put under much more intensive
25 supervision at Binghamton Health Center and monitored much

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1 more closely?

2 A Yes.

3 Q Now, on November 30 of 2007, did you have a
4 conversation with Karen Whitbeck?

5 A Yes, I did.

6 Q And who is Karen Whitbeck?

7 A She's a nurse at the Greater Binghamton Health
8 Center.

9 Q Was this a telephonic or in-person conversation?

10 A Over the telephone.

11 Q I'd like to show you what's marked as Government's
12 Exhibit 108. Miss Chesebro, if you take a look at Exhibit
13 108 and just tell us if you recognize it and what do you
14 recognize it to be?

15 A Those are progress notes I'd written.

16 Q And does that include the conversation that you had
17 with Karen Whitbeck?

18 A Yes, it does.

19 MR. LOVRIC: Your Honor, I would offer
20 Government's Exhibit 108 into evidence.

21 MISS PEEBLES: No objection.

22 MR. FISCHER: No objection.

23 THE COURT: Receive Government's 108 in
24 evidence.

25 Q Miss Chesebro, I'm going to put on the screen

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1 Exhibit 108. And I'd like to read the portion dealing with
2 your conversation with Karen Whitbeck. It reads, under
3 Progress Note Narrative: Phone call from -- PC stands for
4 what again?

5 A Phone call.

6 Q Okay. "Phone call from Karen Whitbeck, GBHC. She
7 left a message stating I can call her back for further
8 information about today's incident.

9 "Phone call to Karen Whitbeck. There are things
10 being discussed in therapy that seem to be disturbing
11 Shannon. She again is saying there is something she needs to
12 disclose but won't do so at this time. Shannon says the
13 thing she needs to talk about will get her mom in a lot of
14 trouble and she'll go back to jail. Shannon is expressing
15 anger and guilt for all the trauma. Today the team tried for
16 an hour and 15 minutes to get Shannon to use other techniques
17 to calm herself. At one point Shannon was under a table
18 trying to get away from them. At another point Shannon was
19 in the stairwell and they were concerned she would throw
20 herself down. She didn't make this threat but there was
21 concern because of her impulsivity. This is the third day
22 that Shannon has been saying there is something she needs to
23 tell. KW brought up that for many kids anniversaries of
24 events can be triggers. I let her know that there was an
25 instance just after Thanksgiving last year when Shannon was

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1 raped. KW suspects that may have triggered this current
2 instability. Shannon harbors a lot of guilt and anger about
3 her abuse. She will continue on one-on-one until further
4 notice, and Dr. Toth will touch base with Shannon before
5 leaving today. Shannon was started on Trazodone
6 25 milligrams on 11/29. This was at Shannon's request
7 because she was having difficulty sleeping, including
8 intrusive memories. She's been on melatonin 1 milligram for
9 sleep but that wasn't working. Shannon also started back on
10 Zoloft 50 milligrams. I told KW that I was not made aware of
11 any of those changes and reminded her I needed to be notified
12 every time something changes. KW apologized and said she
13 would again review this with her staff. The staff will
14 continue to encourage Shannon to disclose and remind her of
15 her safety while at GBHC."

16 Is that the sum and substance of your conversation
17 with Karen Whitbeck?

18 A Yes, it is.

19 Q Now, at that time, on that date, that being
20 November 30, when you had this conversation with Karen
21 Whitbeck, did you know at that time what the substance was of
22 these additional disclosures that Shannon is saying she needs
23 to make?

24 A No.

25 Q So she hadn't told you or anyone, to your

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1 knowledge?

2 A No.

3 Q I'd next like to direct your attention to
4 December 3 of 2007. On that date did you have a conversation
5 with Lisa Florance-Diaz?

6 A Yes, I did.

7 Q And who is Lisa Florance-Diaz?

8 A She's a staff social worker at the Greater
9 Binghamton Health Center.

10 Q And how was she related to Shannon's case?

11 A She was Shannon's primary therapist there.

12 Q At the health center?

13 A Yes.

14 Q And on December 3 of '07 did you have a
15 conversation with Miss Diaz regarding additional information,
16 disclosures that Shannon had made?

17 A Yes, I did.

18 Q I'd like to show you what's marked as Government's
19 Exhibit 109.

20 MR. FISCHER: Thank you.

21 BY MR. LOVRIC:

22 Q Miss Chesebro, if I can have you look at Exhibit
23 109 and if you can tell us, please if you recognize it and
24 what is it if you recognize it?

25 A It's progress notes I'd written.

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1 Q Does that Exhibit 109 relate to this conversation
2 you had with Miss Diaz on December 3?

3 A Yes, it does.

4 MR. LOVRIC: Your Honor, I would offer Exhibit
5 109 into evidence.

6 MISS PEEBLES: No objection.

7 MR. FISCHER: No objection.

8 THE COURT: Receive Government's 109 in
9 evidence.

10 BY MR. LOVRIC:

11 Q Miss Chesebro, I'm going to put on the document
12 camera Exhibit 109, and I'd like to read starting with the
13 notation, it says 5:40 PM. This is the third paragraph or
14 indentation on that December 3 progress note.

15 "Phone call to Lisa Florance-Diaz, GBHC." And then
16 it has some item blacked out. Do you know what that is, or
17 you don't?

18 A I suspect what it is, I believe the Department of
19 Social Services attorney was the one who actually blocked it
20 out.

21 Q It has something there that was blacked out by the
22 attorney before they gave us this document?

23 A Yeah.

24 Q "Since last week Shannon has been talking about
25 needing to tell something more. On Friday, during Shannon's

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1 breakdown, she seemed to be calm at one point, and as soon as
2 the physical restraint ceased, she took off running down the
3 hall. She ran upstairs and threw herself on the floor of the
4 rec room. LFD," what does that stand for?

5 A Lisa Florance-Diaz.

6 Q "-- suspects Shannon was seeking the physical
7 restraint and wanted someone to be stern and tell her the
8 behavior wasn't acceptable. Shannon has been away from the
9 other kids since then and remains on one-on-one observation.
10 At one point on Friday, a two-on-one was considered. Since
11 saying she needs to disclose, Shannon has been seeking out
12 Lisa Florance-Diaz multiple times a day. Today Dr. Toth told
13 Shannon that she would see Lisa and that was her only chance
14 for today. During that session, Shannon decided to disclose.
15 Once making this decision, Shannon was forthcoming with the
16 information. She told that her mom has been sexually abusing
17 her since she was 12 years old. The abuse by her mom
18 included intercourse, manual and oral. Shannon shared that
19 on one occasion while staying at the Best Western, her mom
20 prostituted her to a Hispanic man and a black man. That
21 instance was for \$150, although it was not clear if that was
22 for one or both men. Her mom was involved with the sexual
23 abuse with both the landlord and George, the man she calls
24 her grandfather. Shannon said pictures of the abuse with
25 George were taken and can be found on the computer that

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1 George's wife Renee still has. I arranged to interview
2 Shannon tomorrow at 10:30 AM. End of note."

3 Is that the information that you received from Miss
4 Lisa Florance-Diaz?

5 A Yes, it is.

6 Q And then subsequent to this conversation with Miss
7 Diaz, did you arrange for Shannon to be interviewed soon
8 after this conversation?

9 A Yes, I did.

10 Q On what date was she then interviewed again?

11 A December 5.

12 Q And where did that interview take place?

13 A Again it was at the Broome County Child Advocacy
14 Center.

15 Q Who was present when Miss Shannon O'Connor was
16 interviewed?

17 A Myself and Denise Oliver, forensic interviewer,
18 conducted the interview, and Detective Blenis was in the
19 observation room where he could view what was occurring,
20 listen in, as well as provide information and questions
21 through an earpiece that Miss Oliver was wearing.

22 Q Okay. And on this date, that being December 3 of
23 2007, is that the first time to your knowledge that Shannon
24 describes to anyone, to your knowledge, anything regarding
25 the sexual abuse by George Lang and two men at the Best

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1 Western hotel?

2 A Yes, it is.

3 Q And is that the first time that Shannon discloses
4 Linda O'Connor's involvement as to the abuse with George Lang
5 and the men at the hotel?

6 A Yes.

7 Q Now the interview on December 5, was that also
8 videotaped?

9 A Yes, it was.

10 Q And since the videotaping after that interview,
11 have you had a chance to review and watch that interview?

12 A Yes.

13 Q And is that the interview that you and Denise
14 Oliver actually conducted of Shannon?

15 A Yes, it is.

16 Q Now, I'd like to show you Exhibit 110 that I've
17 marked for identification.

18 MR. FISCHER: Thank you.

19 BY MR. LOVRIC:

20 Q Miss Chesebro, if I can have you look at Exhibit
21 110, and again, if you just tell us if you recognize it. And
22 what do you recognize it to be, if you do?

23 A Yes, I do. It's progress notes I've written.

24 Q And are those progress notes that you wrote related
25 to information dealing with an event on December 24 of 2007?

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1 A Yes.

2 MR. LOVRIC: Your Honor, I would offer Exhibit
3 Number 110 into evidence.

4 MISS PEEBLES: No objection.

5 MR. FISCHER: No objection.

6 THE COURT: Receive Government's 110 in
7 evidence.

8 Q Exhibit 110 I'll put on the screen, Miss Chesebro.
9 The very bottom of 110. It indicates that you had a phone
10 conversation with Kelly McCauley?

11 A Yes.

12 Q And who's Kelly McCauley?

13 A She's a nurse.

14 Q At the Greater --

15 A At the Greater Binghamton Health Center.

16 Q And in the conversation with her did she describe
17 for you issues and problems that Shannon was having as
18 reported on December 24?

19 A Yes.

20 Q Did she describe for you that Shannon was having
21 auditory hallucinations, hearing crying babies and voices of
22 her abusers?

23 A Yes.

24 Q Miss Chesebro, on December 27, 2007, do you recall
25 being at the Greater Binghamton Health Center on that date?

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1 A Yes, I do.

2 Q And what was the purpose for going there?

3 A That was Shannon's 14th birthday.

4 Q And did you actually see her on that date?

5 A Yes, I did.

6 Q Can you tell us a little bit about what happened on
7 that date.

8 A When I arrived there, her psychiatrist, Dr. Toth,
9 offered that she could have an off-campus pass for a little
10 while, and Shannon and I went to the mall to walk around for
11 a little while and we had dinner together.

12 Q What was Shannon like? What did she appear like to
13 you?

14 A She was ecstatic to be off the campus. It was the
15 first time she had a privilege like that since she went to
16 Greater Binghamton. She was just very, very happy and
17 cheerful.

18 Q And did you and Shannon have any conversations
19 about her future in terms of where she might be living or
20 things of that nature?

21 A Yes. She shared with me that she would like to be
22 adopted and what her ideal foster or ideal adoptive family
23 would be like.

24 Q And what was your response to her regarding those
25 possibilities?

1 A We talked that at that point in time the goal for
2 DSS was to continue working with her mom but there was a
3 possibility that enough change couldn't be made in her life
4 that Shannon could return home there and in that case we
5 would be looking for an adoptive family for her.

6 Q Okay. What was Shannon's reaction to that? What
7 did she think of that?

8 A She was fine with that.

9 Q Now, did Shannon remain after that point in time at
10 the Greater Binghamton Health Center for a while?

11 A Yes, she did.

12 Q And did there come a time then that she was
13 transferred to another type of facility?

14 A Yes.

15 Q What kind of facility is that?

16 A She was transferred to a residential treatment
17 facility.

18 Q What is that? What's the difference between a
19 residential treatment facility as opposed to Greater
20 Binghamton Health Center?

21 A Greater Binghamton is an acute health care facility
22 for immediate crisis resolution. The residential treatment
23 facility is a place where Shannon would live and work with
24 therapists intensively. There's other children there as well
25 so she would participate in group activities and whatever --

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1 whatever services she needed. Her education was provided
2 there, mental health treatment. Everything was right on
3 site.

4 Q Miss Chesebro, at some point in the earlier part of
5 this year did you come down to this building to the United
6 States Attorney's Office?

7 A Yes, I did.

8 Q And who else accompanied you when you came down?

9 A I brought Shannon O'Connor with me.

10 Q And were there a number of meetings that you were
11 present at in the United States Attorney's Office?

12 A Yes.

13 Q And during these meetings who was present at these
14 meetings?

15 A Yourself, myself, Shannon, at times her
16 psychiatrist, Dr. Michelle Toth, Jim Lyons.

17 Q Okay. Without going into what was said, is it fair
18 to say that all of the things involving Shannon's background
19 and things that occurred were at some point discussed during
20 these meetings?

21 A Yes.

22 MR. LOVRIC: Those are all the questions I
23 have at this time, Judge.

24 THE COURT: Mr. Fischer.

25 MR. FISCHER: Thank you, your Honor. May it

1 please the Court, your Honor, counsel.

2 CROSS-EXAMINATION

3 BY MR. FISCHER:

4 Q Miss Chesebro, my name is Kelly Fischer. I
5 represent Mr. Sacco.

6 A Good morning.

7 Q Did you bring with you documents today?

8 A Yes, I did.

9 Q Other than the documents that you brought with you,
10 did you review any documents in preparation for your
11 testimony?

12 A I reviewed the videotapes that were done at the
13 Broome County Child Advocacy Center, as well as the
14 controlled phone calls that were conducted.

15 Q Other than those items, did you review any other
16 items in preparation for coming here to testify?

17 A Over the last couple of weeks I've reviewed my
18 entire case file, which includes all Family Court documents.

19 Q What else does it include?

20 A It includes letters written back and forth between
21 Shannon and her mom. It includes educational information,
22 medical information on Shannon. It's a complete history of
23 the department's involvement with the family.

24 Q What medical information concerning Shannon does
25 that file contain?

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1 A It contains the medical record from when Shannon
2 had her sexual abuse examination at Chenango Memorial. It
3 includes my case notes, various information about medication
4 she's been prescribed and different times that she was seen
5 by the doctor at facilities, her shot record. Trying to
6 recall what else might be in there.

7 Q Did you review any medical records concerning
8 Shannon that were made to your knowledge prior to August of
9 2006?

10 A Not to my knowledge.

11 Q May I look at the documents that you did bring with
12 you here today, please?

13 A That's fine with me.

14 MR. FISCHER: May I approach, your Honor?

15 THE COURT: Yes, you may.

16 MR. FISCHER: May I take one moment, please,
17 your Honor?

18 Q Miss Chesebro, I've affixed an exhibit marker to
19 the outside of that notebook, marked it Exhibit S-16?

20 A Okay.

21 Q Can you see that?

22 A Yes, I do.

23 Q That exhibit that you brought with you contains
24 your case notes, am I correct?

25 A Partially what it contains.

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1 Q In part?

2 A Yes.

3 Q And your case notes detail what you did on various
4 occasions with respect to Miss Shannon O'Connor's care, am I
5 correct?

6 A Yes.

7 Q If you did something you would record it in your
8 case notes?

9 A That's typically how we do it, yes.

10 Q Is that always how we do it?

11 A There are occasions where something may not have
12 been documented.

13 Q Did that happen in this case?

14 A To my knowledge, everything's included in this.

15 Q When were you -- when did you first work with CPS?

16 A I started August 10 of 2005.

17 Q There's a reference that I see in that concerning a
18 trainee, I see the phrase trainee. Were you a trainee at,
19 say, as of October of 2006?

20 A As of October 2006?

21 Q Yes.

22 A No. We never have the title of trainee. This, I
23 think what you were saying, this is a record of the trainings
24 I've attended. When we start we have the title of case
25 worker.

Elizabeth Chesebro - Cross

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1 Q Okay. So when you started you were a case worker?

2 A Yes.

3 Q Before you started working on this case, did you
4 review Miss Panus' records?

5 A Yes, I did.

6 Q And you are familiar with those in a general sense?

7 A In a general sense, yes.

8 Q Miss Chesebro, Mr. Lovric used an exhibit with you,
9 106. I hand you that document.

10 A Yes.

11 Q Is that document in your file?

12 A Yes, it is.

13 Q Now, your file was provided to the government
14 before this trial, am I correct?

15 A My entire case record was subpoenaed.

16 Q But that record was omitted from that original
17 submission, am I correct?

18 A Yes, it was.

19 Q I'll take it back. Thank you. From having
20 reviewed Miss Panus' notes in October of '06 when you got
21 involved, you were aware of Shannon O'Connor's psychiatric
22 history at least going back to August 11, 2006, am I correct?

23 A Yes.

24 Q Did you ever undertake any investigation to
25 determine whether there was any psychiatric history

1 concerning Shannon O'Connor prior to August 11, 2006?

2 A Not while I was assigned the case.

3 Q Did you ever undertake any such an investigation?

4 A No.

5 Q I'd like to spend some time going through your
6 notes with you. You may refer to those, if you need to. Let
7 me go to originally February 26 of 2007. Do you have that
8 note?

9 A Yes, I do. I'm assuming you mean from my
10 interviews from Linda and Shannon that day?

11 Q Yes, please. Now, February 26, 2007, let me set a
12 time frame before I talk about this particular note. Am I
13 correct in saying that the first disclosure that Shannon
14 O'Connor ever made concerning any claims concerning Mr. Sacco
15 was made on March 2 of 2007?

16 A Yes. That was the 2nd of March.

17 Q Okay. Now going back to February 26 of 2007,
18 within a week before March 2 --

19 A Yes.

20 Q -- am I correct? Within a week before the
21 disclosure that Shannon made about Mr. Sacco, Shannon was
22 made aware that her mother had been arrested for leaving the
23 Pizza Hut without paying?

24 A She was present when that happened.

25 Q When was the date of that event?

Elizabeth Chesebro - Cross

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1 A That was February 25 of 2007.

2 Q And on the 26th of February, you had a conversation
3 with Shannon about that, her mom being arrested for the Pizza
4 Hut matter?

5 A Yes.

6 Q How did she react to that?

7 A To just the Pizza Hut discussion?

8 Q That her mom had been arrested.

9 A She was very fearful that she too would be
10 arrested. She was embarrassed of what had happened and was
11 very emotionally distraught by it.

12 Q Now that February 26 conversation you had with
13 Shannon was a fairly lengthy conversation?

14 A Yes.

15 Q And by the end of the interview that you had with
16 Shannon, Shannon's body language showed that she was much
17 more comfortable and relaxed, am I correct?

18 A Yes.

19 Q Now, you were also aware on or about the 26th of
20 February 2007 that Linda also had spent a lot of money to buy
21 a dog, is that right?

22 A Yes.

23 Q And at that point you felt that by conducting
24 herself in that way Linda had put Shannon in a horrible
25 situation, is that correct?

Elizabeth Chesebro - Cross

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1 A Yes.

2 Q Now, this is before any disclosures that Shannon
3 O'Connor made concerning Mr. Sacco, am I correct?

4 A Yes.

5 Q In fact, this is the same time frame about a week
6 or so before that disclosure?

7 A Yes.

8 Q If you'll go to February 28, please, page 21, if
9 mine match up. Do you see that?

10 A I do not appear to have a page 20 and 21 in my
11 binder.

12 Q There's an event date 2/28/07, a face to face. Do
13 you see that?

14 A I don't have that page here. I stand corrected. I
15 do have it. My pages are in backwards.

16 Q Okay. And that's a progress note narrative?

17 A From 2/28/07, yes.

18 Q On that date, February 28, '07, Shannon and you
19 spoke about dreams that she was having, am I correct?

20 A If I can have just a moment to review this?

21 Q Sure.

22 A Yes, we did discuss that that day.

23 Q Did Shannon tell you what kind of dreams she was
24 having at that time?

25 A She called them weird dreams.

Elizabeth Chesebro - Cross

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1 Q Did she tell you about what the substance of those
2 dreams were?

3 A Nothing other than in the dreams she and her mom
4 stabbed one another.

5 Q What happened with respect to Linda O'Connor and
6 Shannon O'Connor living together from February 25, 2007 to
7 February 28, 2007?

8 A She was placed in foster care.

9 Q Where was she, Shannon O'Connor placed?

10 A In the Norwich area.

11 Q With the Hamiltons?

12 A A certified foster home.

13 Q And Kim and Richard Hamilton?

14 A Correct.

15 Q Before that time, before say February 25, 26, 27,
16 28, 2007, did Shannon know the Hamiltons?

17 A Prior to that, no.

18 Q So during this time frame her mom walks out of
19 Pizza Hut without paying, mom gets arrested, Shannon gets
20 placed in a foster home, am I correct?

21 A Correct.

22 Q This is all during the week before she makes the
23 disclosure concerning Mr. Sacco?

24 A Correct.

25 Q Shannon had other stressors in her life at about

1 that time, didn't she?

2 A Is there something in particular you're thinking
3 of?

4 Q Yeah. Concerning her father she had -- without
5 revealing exactly what the stressors are, is it fair to say
6 that Shannon revealed to you information that you would deem
7 to be a fairly substantial stressor in a girl's life?

8 A Regarding her father?

9 Q Yes.

10 A I don't recall off the top of my head having
11 discussed her father at that period of time.

12 Q There's a note, as I read it, February 28, 2007,
13 8:30 AM. Review that to yourself, please.

14 A Okay.

15 Q Does that refresh your recollection that there was,
16 in fact, conversation between you and Shannon concerning an
17 event that might be deemed a stressor in Shannon's life
18 regarding her father?

19 A This conversation actually took place with another
20 case worker who was at the foster home that night. I did not
21 actually discuss it with Shannon herself.

22 Q The information, if it's accurate concerning
23 Shannon's father, is fairly substantial in your opinion?

24 A Yes.

25 Q And there was also some discussion concerning

1 Shannon's problems that Shannon's brother had in that same
2 note. Do you recall having conversations with Shannon about
3 that issue?

4 A No.

5 Q At any time, not just February 28?

6 A I don't recall ever discussing that issue about her
7 brother.

8 Q In any event, these discussions concerning that
9 reflected in the note occurred on February 28, am I correct?

10 A This would have occurred the night before,
11 February 27.

12 Q Okay. On or about March 1 of 2007, did Shannon
13 express a fear of her mother?

14 A I don't know that it could be classified as a fear
15 at that point. She did say she didn't wish to see her mom at
16 that point in time.

17 Q Would you go to an entry in your notes of March 1,
18 2007, 9:35 AM and read that to yourself, please.

19 A Yes.

20 Q Does that refresh your recollection that on March 1
21 of 2007 Shannon expressed a fear of her mom?

22 A That report came from her case manager at mental
23 health. She apparently expressed the fear to the case
24 manager.

25 Q Does that refresh your recollection that Shannon

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1 did, in fact, on March 1 express a fear of her mother?

2 A She expressed that fear prior to March 1.

3 Q Do you know when she did that, when she made that
4 expression?

5 A I don't know.

6 Q Okay. Well, on March 1, did you have a
7 conversation with Shannon?

8 A Yes, I did.

9 Q About what time of day was that?

10 A I was present in Family Court. I don't recall what
11 time of day the Family Court appearance was.

12 Q Your conversation with Shannon that day was while
13 you were in Family Court?

14 A Outside the court, yes.

15 Q How long did that conversation with Shannon last?

16 A I'm not able to give an approximation.

17 Q That conversation of March 1, 2007 is the day
18 before Shannon makes the first disclosure concerning
19 Mr. Sacco, correct?

20 A Yes.

21 Q At that time during your conversation with Shannon,
22 March 1, 2007, did Shannon express a concern about her mom
23 making Shannon feel guilty about Shannon liking foster care?

24 A Can you repeat your question.

25 Q You know, I'll withdraw the question and I'll ask

Elizabeth Chesebro - Cross

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1 you a different question. Did you drive Shannon to that
2 Family Court appearance?

3 A Yes, I did.

4 Q Did you drive her back to the Hamiltons that day?

5 A I'm not sure if I did. I know her foster mom was
6 present at the time. One or the other of us would have taken
7 her.

8 Q Refer, please, if you will to your note that says
9 event date 3/1/2007, event time 2:45 PM.

10 A Yes.

11 Q Do you see that?

12 A Yes.

13 Q Would you look about halfway through that note,
14 please. Starting with during the drive and read that to
15 yourself, please. Do you see that?

16 A Yes, I do.

17 Q Does that refresh your recollection that you drove
18 Shannon home, I'm sorry, to the Hamiltons from Family Court
19 that day?

20 A To my recollection, I believe that this was much
21 later in the day after a supervised visit that she was driven
22 home but, yes, I did transport her back to the residence.

23 Q Okay. During that drive back to the Hamilton
24 residence it was just you and Shannon in the vehicle?

25 A Yes.

Elizabeth Chesebro - Cross

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1 Q You had a discussion with Shannon at that time?

2 A Yes.

3 Q What was the substance of that discussion at that
4 time?

5 A We were talking about what they were learning about
6 in her science class, about puberty.

7 Q And subjects surrounding that topic?

8 A Puberty, yes.

9 Q Did Shannon talk to you about anything that had --
10 that she had seen on the school bus earlier that week?

11 A Yes.

12 Q What did she say to you about that?

13 A Another child had brought in a condom that the
14 children all looked at.

15 Q Now, this is what she says to you on March 1, 2007,
16 the day before the disclosures that she made about Mr. Sacco,
17 correct?

18 A Yes.

19 Q On March 2, did you have any discussion with
20 Shannon about Shannon going into long-term foster care?

21 A What do you mean by long-term foster care? At that
22 point she'd only been in a week. She knew she'd be in foster
23 care until her mom was able to resolve her issues.

24 Q You were aware on March 2, 2007 the possibility
25 that Shannon would go into long-term foster care, am I

Elizabeth Chesebro - Cross

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1 correct?

2 A Yes.

3 Q When you talk about long-term foster care, what do
4 you mean?

5 A When I think -- when I consider foster care, long
6 term to me would be six months or more.

7 Q When Shannon originally made the disclosure to you
8 concerning Mr. Sacco, she spoke about having a conversation
9 with her teacher, am I correct?

10 A Yes.

11 Q Did she disclose to you that she had asked her
12 teacher that if someone older has sex with someone younger is
13 it illegal or something to that effect, am I correct?

14 A Something to that effect, yes.

15 Q Did she also ask the question at that time,
16 Shannon, of her teacher, as Shannon related to you, that is,
17 is it considered rape if someone says no, if someone does not
18 say no out loud?

19 A Yes.

20 Q Did she say both of those things to you?

21 A My recollection is that she shared that they had
22 discussed in class the difference of people having sex, an
23 older person and a younger person, and then she then in
24 private asked the teacher if it's wrong if the person does
25 not say no.

Elizabeth Chesebro - Cross

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1 Q On March 2 of 2007, when Shannon made this
2 disclosure to you, were you aware of any concerns expressed
3 by anybody else that Shannon might make false accusations?

4 A Not to my recollection.

5 Q Have you ever made an inquiry about whether Shannon
6 has made false accusations?

7 A Inquiry to who?

8 Q To anybody.

9 A Not that I recall.

10 Q Are you aware as you sit here today that anybody
11 has ever expressed a concern about Shannon making false
12 accusations?

13 A Not that I recall.

14 Q On or about March 14 of 2007 Shannon placed what
15 you described as a controlled phone call to Mr. Sacco, am I
16 correct?

17 A Yes.

18 Q Now, before she placed any phone calls to Mr.
19 Sacco, you and Detective Blenis had prepared some sort of a
20 script for her to work from, am I correct?

21 A I was not involved in preparing that script. I was
22 aware that there was a script.

23 Q At any time before or during those conversations,
24 did you write on Detective Blenis' script anything to suggest
25 to Shannon what she should say?

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1 A I believe I did, yes.

2 Q You recall in the conversation that was recorded
3 between Mr. Sacco and Miss O'Connor, Miss Shannon O'Connor,
4 the part where Mr. Sacco talks about Shannon making
5 disclosures to him about her grandfather abusing her?

6 A Yes.

7 Q Do you remember that part?

8 A Yes, I do.

9 Q And she denied it at that time, am I correct?

10 A Yes.

11 Q Now, when those phone calls were over, did you ever
12 inquire that during that day or couple days thereafter of
13 hand, anything about that subject?

14 A We briefly processed it after the phone call that
15 day and she continued to say that that had never occurred.

16 Q Is there anything in your notes reflecting that you
17 and Shannon discussed that after the phone call?

18 A I don't believe there is.

19 Q That wasn't important enough to put in your notes?

20 A Some things do get overlooked.

21 Q I'm sorry?

22 A Some things do get overlooked.

23 Q Was that one thing that just got overlooked?

24 A I don't see it in my notes, yes.

25 Q Approximately a month after Shannon made the

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1 disclosures concerning Mr. Sacco, Shannon's father Ray tried
2 to reach out to Shannon, am I correct?

3 A He petitioned the court for a contact with her.

4 Q Now, she had not seen Ray in some time before that,
5 am I correct?

6 A To my knowledge, yes.

7 Q In fact, her father was incarcerated, am I correct?

8 A Yes.

9 Q And she became aware of Ray's petition and Ray was
10 petitioning to have custody of Shannon?

11 A I believe that's how the petition read; that he was
12 asking for custody and visitation.

13 Q And he was still incarcerated at this time?

14 A Yes.

15 Q Now Shannon was made aware of this?

16 A Yes, she was.

17 Q When was she made aware of it?

18 A What was the date you gave that he petitioned
19 again?

20 Q I'm not sure that I did. If you can give an
21 approximate date when Shannon was made aware of that.

22 A I don't recall.

23 Q Ray was not Shannon's biological father, am I
24 correct?

25 A I've never gotten a clear answer on that, to be

1 honest.

2 Q Is Shannon or was Shannon at that time aware that
3 there was a question whether Ray who was incarcerated and
4 petitioning to obtain custody and visitation of Shannon may
5 not be her biological father?

6 A To my knowledge she was aware of that, yeah.

7 Q How long did Shannon stay with the Hamiltons after
8 the February 25 event at Pizza Hut?

9 A She was with them from the day she entered foster
10 care until the day she was admitted to the Greater Binghamton
11 Health Center.

12 Q Approximately what date was she admitted to the
13 Greater Binghamton Health Center?

14 A Approximately September 19, September 20. It was
15 about midnight when she was admitted.

16 Q At times Shannon, during the time from February 25,
17 2007 until she was admitted to the Greater Binghamton health
18 center, Shannon expressed concerns to you that she was not
19 happy with the Hamiltons, am I correct?

20 A I know there were times when there were bumps in
21 the road. She was an only child being assimilated into a
22 family of six other children. I don't think it would be fair
23 to say that she wasn't happy living there.

24 Q Do you remember that on or about April 17 of 2007
25 Shannon wrote to you indicating that she didn't want to be at

Elizabeth Chesebro - Cross

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1 Kim's any more and that she wanted to move?

2 A Are you recalling a phone call I had with Kim
3 Hamilton?

4 Q I don't know. I asked whether you're aware of
5 that.

6 A To my recollection, I did not have a conversation
7 with Shannon about her not wanting to be there.

8 Q Did you see a letter that Shannon wrote indicating
9 that Shannon was not happy at the Hamiltons and that Shannon
10 wanted to move?

11 A Not to my recollection.

12 THE COURT: Okay. We're going to take a
13 break, ladies and gentlemen.

14 (Jury present)

15 THE COURT: Okay, Mr. Fischer.

16 MR. FISCHER: Thank you, your Honor.

17 BY MR. FISCHER:

18 Q Miss Chesebro, I've moved back here so the jurors
19 might hear both of us.

20 A Okay.

21 Q I'd like to go back to your entry into the case in
22 October of 2006. When you entered the case in October of
23 2006, were you aware that prior to that time Shannon O'Connor
24 had been on pornography web sites?

25 A I just want to make a correction. I wasn't

Elizabeth Chesebro - Cross

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1 assigned the case until November 2006 but when I was assigned
2 the case, I was made aware of that information, yes.

3 Q Were you aware she was also in chat rooms?

4 A Yes.

5 Q Were you aware when you came onto the case that
6 there was a claim concerning Linda O'Connor and George
7 sending e-mails back and forth?

8 A I believe at that time I was aware, yes.

9 Q Do you know -- did you know, I'm sorry, in November
10 of 2006 when you came onto the case the nature of the e-mails
11 that were sent back and forth between Linda O'Connor and
12 George?

13 A I don't recall if I learned about their content
14 before or after that.

15 Q In November of '06 when you got on the case, were
16 you aware that Shannon had been exposed to an adult sex toy?

17 A Again, I don't recall if I learned of that before
18 or afterwards.

19 Q If it occurred before you were on the case, it
20 would be important for you to know coming into the case,
21 wouldn't it?

22 A Yes.

23 Q Let's go up to about the first of the year, first
24 of 2008.

25 A Okay.

Elizabeth Chesebro - Cross

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1 Q I'm sorry. I apologize. June of 2007. In about
2 June of 2007, specifically June 11 or thereabouts, were the
3 visits between Linda O'Connor and Shannon O'Connor supervised
4 in some way?

5 A Yes, they were.

6 Q Up to that time had visits been supervised?

7 A Yes. Face-to-face contact was supervised.

8 Q How it was it supervised?

9 A By a DSS staff member.

10 Q Who was that?

11 A There were several of us that supervised visits
12 during the course of our involvement. Myself, other case
13 workers, parent aids with the agency.

14 Q Now, in June of 2007 Shannon was getting ready to
15 have her graduation from sixth grade?

16 A Yes.

17 Q Do you remember some question whether Kim Hamilton
18 or Linda O'Connor or both were going to be allowed to attend
19 that graduation ceremony?

20 A Yes.

21 Q And was Shannon aware of that dispute for lack of a
22 better word?

23 A To my knowledge, she wasn't aware of anything other
24 than she wanted her mom to attend.

25 Q In June of 2007, did you have a suspicion that

Elizabeth Chesebro - Cross

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1 Shannon wanted to be privy to pornographic material?

2 A During June 2007?

3 Q Yes. June 12.

4 A I don't recall that.

5 Q Would you refer to your note of June 12, 2007, 3:40
6 PM, the last line of that note if you'll. Read that to
7 yourself.

8 A Yes.

9 Q Does that refresh your recollection?

10 A Yes.

11 Q And what is your recollection about that subject?

12 A That was discussed, that statement was, about
13 Shannon wanting to know adult information, that when she had
14 been living with her mom she would have been privy to but
15 that a normal 13, 14-year-old wouldn't normally know about.

16 Q It doesn't say something in this note about what a
17 normal 13 or 14-year-old would want, does it?

18 A Not in the note it does not.

19 Q It does talk about your suspicion that Shannon
20 wants to access pornographic material, am I correct?

21 A There's nothing in that note about pornographic
22 material.

23 Q Adult material?

24 A Correct. It does say adult material but that was
25 referencing adult conversation, adult matters, not

1 pornography.

2 Q I stand corrected. I understand. In June of 2007,
3 at some point did Shannon's mother go back into jail?

4 A I believe she entered jail the beginning of July
5 '07.

6 MISS PEEBLES: Objection.

7 THE COURT: What's the basis of your
8 objection?

9 MISS PEEBLES: She didn't go back into jail,
10 she went to jail. It's assuming facts not in evidence what
11 he just stated.

12 THE COURT: Overruled.

13 Q Did Linda go to jail in June of '07?

14 A I believe she entered jail at the beginning of July
15 of '07.

16 Q Did you speak with Shannon at about that time?

17 A Yes.

18 Q Was Shannon made aware of that fact?

19 A That her mother was going to jail?

20 Q Yes.

21 A Yes.

22 Q Did you have a conversation with Linda O'Connor
23 about June 27 of 2007, a supervised visitation?

24 A Were you asking if I had a conversation with Linda?

25 Q I can rephrase the question.

Elizabeth Chesebro - Cross

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1 A Thank you.

2 Q Were you present between a supervised visit during
3 Linda and Shannon on that date?

4 A Yes, I was.

5 Q Did you hear what was said back and forth?

6 A Between mother and daughter, yes.

7 Q Did the subject of Clesson, the caretaker of the
8 property, come up during that conversation?

9 A Yes, it did.

10 Q June 27, 2007?

11 A Yes.

12 Q That's before the FBI got involved in this case, is
13 that correct?

14 A To my knowledge.

15 Q Linda fixated on the subject of Clesson, am I
16 correct?

17 A Yes.

18 Q You found that strange?

19 A Yes.

20 Q The week before Linda had said something to you
21 about not liking Clesson Lockwood, am I correct?

22 A Yes.

23 Q In July of 2007, when Linda was incarcerated, did
24 you have conversations with Kim Hamilton about Kim Hamilton
25 adopting Shannon?

Elizabeth Chesebro - Cross

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1 A I know conversations were had with Kim about that.
2 I don't recall if it was in July.

3 Q I refer you to July 10, 2007 note, 2:30 PM. Would
4 you read that to yourself, please. Am I correct that you had
5 conversations at about that time with Kim concerning Kim's
6 adoption of Shannon?

7 A Her willingness to adopt, yes.

8 Q And at that time, as I understand it, Kim expressed
9 a willingness to adopt Shannon if Shannon was freed?

10 A Yes.

11 Q That's your language?

12 A Yes.

13 Q Freed?

14 A Freed for adoption.

15 Q Freed from Linda?

16 A Freed from the custody, yes.

17 Q Now, when Linda was incarcerated, was there a
18 restriction on Linda's ability to communicate with Shannon by
19 the mails?

20 A Any communication was to come to me first to be
21 screened and then forwarded on to Shannon. That's mailed
22 communication.

23 Q Did Shannon act differently when she was around her
24 mom than when she was not around her mom?

25 A Oftentimes, yes.

Elizabeth Chesebro - Cross

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1 Q Can you describe what that difference was?

2 A She was very giggly and I'm just trying to think of
3 a good way to summarize the way they acted together. She was
4 very giggly and spoke very fast and hyper, bouncing from
5 topic to topic. Clung close to her mom and frequently they
6 would exchange I love yous back and forth or hugs whenever
7 they did have contact.

8 Q In the summer of 2007, Shannon was in the YMCA
9 camp?

10 A Yes.

11 Q Do you know the names of the people who were
12 involved in running that YMCA camp?

13 A I know some names, yes.

14 Q Were there some men who were involved in running
15 the YMCA camp who had some contact with Shannon?

16 A Yes. There were male counselors there.

17 Q Were you ever concerned about the way that some of
18 those men dealt with Shannon and the way that Shannon dealt
19 with some of those men being too close?

20 A I believe that was brought to my attention by
21 someone else, but I never witnessed their behaviors.

22 Q During the summer of 2007 Shannon had a boyfriend?

23 A Yes.

24 Q Casey?

25 A Yes.

Elizabeth Chesebro - Cross

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1 Q Casey Hitchin?

2 A I'm sorry?

3 Q Casey, Casey Hitchin, am I correct?

4 A Shannon reported to me, yes.

5 Q At times did Shannon express to you that she wanted
6 to be with her mom?

7 A At times, yes.

8 Q And at times she was pretty upset that she couldn't
9 be with her mom, am I correct?

10 A Occasionally, yes.

11 Q In fact, sometimes she'd be very upset about that,
12 wouldn't she?

13 A I think that's a language, you know, just a
14 difference between words. I know she was upset at times,
15 yes, because her mother was the only family she had.

16 Q Did you ever say that Shannon was very upset about
17 that?

18 A It's possible I described it that way.

19 Q Do you have any independent recollection of
20 describing it that way?

21 A No. Not off the top of my head I do not.

22 Q Would you go to your note of August 27, 2007,
23 please, 9:00 AM, first line of that note. Read it to
24 yourself, please.

25 A You said 9:00 AM?

1 Q Yes.

2 A Okay.

3 Q Does that refresh your recollection that Shannon
4 was very upset about that subject?

5 A My note says she sounded very upset and asked when
6 she could call her mom again.

7 Q When you interview witnesses or when you interview
8 children in your care, do you sometimes use leading questions
9 like we do?

10 A It's possible, yes.

11 Q You know the difference between a leading question
12 and an open-ended question?

13 A Yes.

14 Q What's the purpose of a leading question with a
15 child?

16 A The purpose?

17 Q Yes.

18 A I suppose sometimes that could be asked when the
19 answer is already known if it's an issue that has been
20 discussed before.

21 Q Do you use leading questions when you want to
22 suggest an answer to the person you're interviewing?

23 A Suggest an answer that they've given me prior?

24 Q I can rephrase my question.

25 A Thank you.

1 Q Do you use leading questions if there's an answer
2 that you want the person you're interviewing to speak?

3 A No.

4 Q In August of 2007, you came to form an opinion
5 about the transactions between Linda O'Connor and Dean Sacco,
6 am I correct?

7 A Yes.

8 Q And you had those suspicions about those
9 transactions between Linda O'Connor and Dean Sacco all along,
10 am I correct?

11 A No.

12 Q Would you go to your note of August 29, 2007,
13 please, 9:15 AM. About the middle of that note, since
14 reading I told Amanda I have -- and read that to yourself,
15 please.

16 A Yes.

17 Q Does that refresh your recollection that you had
18 those suspicions all along?

19 A I did put that in my note that I had the suspicions
20 all along.

21 Q Does that refresh your recollection that you did
22 have those suspicions all along?

23 A That's what I put in my note that day.

24 Q I understand that. Do you now independently recall
25 that you had those suspicions all along?

1 A No. I think that was a bad term that I put in my
2 note. I think I should have chosen other words in my note.
3 I don't believe all along really is --

4 Q So that note does not accurately reflect what you
5 really thought, is that what you're saying?

6 A That statement all along does not --

7 Q Were you concerned that one of the counselors at
8 the Y-camp was too buddy buddy with, among other children,
9 Shannon?

10 A Yes.

11 Q With respect to Ray, Shannon was concerned that her
12 mother might choose Ray over Shannon, am I correct?

13 A Yes.

14 Q She was pretty concerned about that, wasn't she?

15 A Yes.

16 Q That upset her quite a bit, didn't it?

17 A Yes.

18 Q And that was -- that subject was being discussed
19 with Shannon at approximately what time frame?

20 A My best estimation would be late summer, beginning
21 of the school year.

22 Q Into September of 2007?

23 A Approximately that time.

24 Q And into mid September of 2007, did that concern
25 expressed by Shannon about mom choosing Ray over Shannon, did

Elizabeth Chesebro - Cross

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1 that continue into mid September of '07?

2 A That was an ongoing concern of Shannon's.

3 Q Now, the disclosure concerning -- that Shannon made
4 that was videotaped, the first one with Detective Blenis,
5 that disclosure was made in October of 2007, am I correct?

6 A Yes.

7 Q And when was Shannon moved into the Greater
8 Binghamton Health Center?

9 A September of 2007.

10 Q At about the same time that these concerns about
11 mom and leaving for Ray were being expressed to you?

12 A Yeah, that was an ongoing concern. There was
13 overlap there, yes.

14 Q Now, in September of 2007 Shannon was no longer
15 allowed to visit her mother at all, am I correct?

16 A Face-to-face contact was stopped when Linda went to
17 jail in July, yes.

18 Q And Shannon was upset that she couldn't see her
19 mom?

20 A There was a period during the summer months that
21 she did want to visit her mom, yes.

22 Q Was she still upset about that in September of
23 2007?

24 A I don't recall that she brought that to my
25 attention.

Elizabeth Chesebro - Cross

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1 Q Okay. Would you refer to your note of
2 September 17, 2007, please. The fourth bullet, if you'll
3 proceed that to yourself, please.

4 A The supervised phone call between the two of them?

5 Q I'm sorry. As I read it, method, face to face. L,
6 DSS, office field. Case worker contact. Family
7 participants, Linda O'Connor, Shannon O'Connor. It's a
8 fairly long note?

9 A Okay. Yes, I see what you're discussing. Yes.

10 Q Does that refresh your recollection that into
11 September, in fact, on September 17, 2007, Shannon was still
12 concerned -- she was upset that she couldn't see her mother
13 in jail?

14 A Yes. At that time she was.

15 Q And at that time she thought her mom might take off
16 to live with Ray when she -- when Linda's released from jail?

17 A Yes.

18 Q Now that's pretty upsetting to a kid, isn't it?

19 A I could imagine it would be.

20 Q You deal with children on a regular basis?

21 A Yes.

22 Q Are you aware of any mental illness that Linda
23 O'Connor was diagnosed with?

24 A Yes.

25 Q When did that come to your attention?

1 A There were various conversations throughout my case
2 involvement with mental health counselors and their
3 evaluations of her.

4 Q Do you know how long Linda has labored under mental
5 illness?

6 A My understanding is it's been an ongoing issue for
7 upwards of two to three decades.

8 Q Going back to the question about Ray and Linda.
9 Shannon felt she had no control over that situation, am I
10 correct?

11 A That's a fair assessment.

12 Q And she was hopeless over that, wasn't she?

13 A In what regard?

14 Q Did she express to you that she, Shannon, felt a
15 sense of hopelessness about her lack of control about what
16 her mother was going to do, whether her mother was going to
17 go with Ray or not?

18 A Yeah. She was very frustrated by the fact that she
19 had no control over those actions that then affected her.

20 Q And Shannon went to the Greater Binghamton Health
21 Center a few days after September 17, 2007, am I correct with
22 that?

23 A Yes.

24 Q Did she go to the hospital first?

25 A Yes.

Elizabeth Chesebro - Cross

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1 Q What hospital did she go to first?

2 A She was evaluated at the Binghamton Crisis Center.

3 Q What event triggered Shannon going to the hospital
4 on or about September 19 of 2007?

5 A I'd like to start with September 17. She had the
6 supervised phone call with her mom and was very distraught
7 after that, unable to calm her emotions. I contacted her
8 mental health therapist which is in the same building where
9 we had the phone call. Her mental health therapist was able
10 to see her so she had an emergency appointment with the
11 therapist. She was pretty down and out at that point but
12 didn't have any plan or intent to kill herself. She -- that
13 was on Monday. She had a regularly scheduled appointment on
14 Wednesday. When she went back on Wednesday the 19th, she
15 continued to be very distraught and her mental health
16 therapist found her in need of further evaluation.

17 Q Later in September you spoke with Shannon about the
18 relationship between Mr. Sacco and Shannon and Linda
19 O'Connor, am I correct?

20 A I'd like to --

21 Q I'm specifically referring to the time frame
22 September 24, 2007, does that sound familiar to you?

23 A I don't see from my notes here that I had contact
24 with Shannon that day on the 24th.

25 Q I'm looking at a note 9/24/07, be 1:15 PM.

Elizabeth Chesebro - Cross

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1 A Okay.

2 Q Do you see that?

3 A Yes, I do.

4 Q Does that refresh your recollection that you had a
5 conversation with Shannon about that date?

6 A I had a conversation at that point with Lisa
7 Florance-Diaz, her primary therapist.

8 Q The conversation then reflected in that note is not
9 a conversation you had with Shannon?

10 A No, it is not.

11 Q At that point you asked Miss Diaz whether Shannon
12 had ever said that her mother prostituted her, didn't you?

13 A Yes, I did.

14 Q And Miss Diaz said to you, in part, Shannon did not
15 put it in those words, is that what Miss Diaz said to you?

16 A That was the essence of the conversation, yes.

17 Q And that's when Miss Diaz expressed to you Miss
18 Diaz's opinion about what really happened, am I correct?

19 A Based on her conversations with Shannon, that was
20 my understanding of it.

21 Q And there's a reference -- withdraw that. There's
22 something Shannon didn't know for a fact, whether that was
23 correct, am I reading that correctly?

24 MR. LOVRIC: Objection.

25 THE COURT: Sustained.

Elizabeth Chesebro - Cross

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1 Q During that conversation you said to Miss Diaz that
2 you had been suspicious of that subject all along, didn't
3 you?

4 A Yes, I did use that phrase.

5 Q Now, do you want -- is that another mistake?

6 A Again, I think all along was a poor choice of words
7 at that time.

8 Q When Shannon went into the Greater Binghamton
9 Health Center she got worse, her psychiatric condition got
10 worse, am I correct?

11 A For a period, yes.

12 Q Was there any concern on your part that that
13 admission to the psychiatric center was, in fact, worsen
14 cause of the worsening condition?

15 A I'm sorry. Can you rephrase that.

16 Q I'll withdraw it. There were different triggers
17 for Shannon to have reactions, is that fair to say, when she
18 was at the Greater Binghamton Health Center?

19 A That's a very broad question I feel.

20 Q I intend it to be very broad.

21 A Okay.

22 Q Generally speaking, is that a fair statement?

23 A Yeah.

24 Q Sometimes a phone call with Kim Hamilton would
25 trigger an incident?

Elizabeth Chesebro - Cross

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1 A At one point, yes.

2 Q Sometimes a phone call with her mother would
3 trigger an incident, am I correct?

4 A She never had phone calls with her mom while she
5 was at Greater Binghamton.

6 Q What other triggers -- withdraw that. At one point
7 when Shannon was at the Greater Binghamton Health Center she
8 was involved in what's been described, as I understand it, as
9 an up roar or a riot. What happened?

10 A My recollection is that Shannon was involved with
11 other adolescents on the unit planning some sort of -- the
12 words you used, up roar and riot is what was told to me -- to
13 cause a problem on the unit. I was told that she wasn't the
14 instigator or leader of that but she was following along with
15 the other ideas.

16 Q In October of 2007, say the first week or two of
17 October of 2007, did it come to your attention that there was
18 a concern that Kim Hamilton, the foster parent, was showing
19 signs of rejecting Shannon?

20 A I believe what you may be referring to a
21 conversation that we had -- during a treatment team meeting
22 where her therapists were concerned that when Shannon was in
23 the Hamiltons home, that there had been some sort of
24 rejection shown. I don't recall at that time that that was
25 an ongoing issue though.

Elizabeth Chesebro - Cross

1003

1 Q When you say ongoing, how long was that an issue?

2 A The main concern was that Shannon had been told if
3 she were to cut again, self-mutilate, that she wouldn't be
4 able to stay at the Hamiltons and the therapist brought to my
5 attention, they feel Shannon kept that with her all along and
6 she didn't want to disappoint the Hamiltons.

7 Q How long did that remain an issue?

8 A I never had that conversation with Shannon.

9 Q Did you ever discuss with Shannon Shannon's
10 feelings about being rejected by Kim Hamilton?

11 A Not to my recollection.

12 Q Was that important?

13 A That was something that she was processing with her
14 therapist at the Greater Binghamton Health Center.

15 Q Was that important?

16 A That is an important topic, yes.

17 Q When did Linda O'Connor get out of jail?

18 A I don't recall the exact date. It was in October
19 of 2007 though.

20 Q Does it sound familiar that Linda was released from
21 jail on or about October 11 or 12, 2007?

22 A Yes. It was in that time period.

23 Q And on October 15, Kim Hamilton, the foster mother,
24 visited Shannon at the Greater Binghamton Health Center?

25 A Yes.

Elizabeth Chesebro - Cross

1004

1 Q Was Shannon in conflict between her biological
2 mother, Linda O'Connor, and her foster mother, Kim Hamilton,
3 in mid October of 2007?

4 A I think that would be fair to say. She -- that was
5 a conflict for her because there was the potential that she
6 could return home to her mom. That was still in flux because
7 of the Family Court proceedings or the potential that her
8 mom's rights would be terminated and that she would need to
9 live elsewhere.

10 Q By October 24 you observed in Shannon certain
11 conduct about her being -- varying between being oppositional
12 and mean on one side and kind of a depressed or flat affect
13 on the other side, is that correct?

14 A I believe that was the assessment her therapist had
15 made and shared with me.

16 Q Was that consistent with your observations at that
17 time?

18 A I did not witness her being oppositional. That
19 was, I believe, based on her actions on her unit at the
20 Greater Binghamton Health Center.

21 Q On October 25, 2007, you attended a treatment team
22 meeting, correct?

23 A Yes.

24 Q Who was present at that treatment team meeting?

25 A At the treatment team meeting there were -- can I

Elizabeth Chesebro - Cross

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1 read them from my list here?

2 Q If you can refresh your recollection by reading the
3 list, by reading the list to yourself and then telling the
4 jury who was present, please.

5 A At the treatment team meeting was myself, her
6 psychiatrist, her social worker, a psychologist, treatment
7 team coordinator. Shannon was present for part of the
8 meeting, as well as the foster mom.

9 Q Kim Hamilton was present on that October 25, 2007
10 visit?

11 A Yes.

12 Q Meeting?

13 A Meeting, yes.

14 Q Shannon wasn't present during the entire meeting?

15 A Correct.

16 Q She was brought in at the end to sign a treatment
17 plan?

18 A Yes.

19 Q But during the meeting was Shannon -- did Shannon
20 talk at all about any events in her life?

21 A Not that I recall during the meeting.

22 Q Prior to that meeting -- withdraw that. During
23 that meeting did it come to your attention that Shannon had
24 talked recently about being sexually abused by her
25 grandfather, George, for approximately a year?

Elizabeth Chesebro - Cross

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1 A Yes.

2 Q Did you interview Shannon after that meeting about
3 that subject?

4 A Yes, I did.

5 Q When did you speak to Shannon about that subject?

6 A Immediately after that meeting.

7 Q How long did you speak with Shannon about that?

8 A That was a very long meeting. A couple of hours
9 would be a good approximation.

10 Q Did you make a note in your records about that
11 October 25 meeting?

12 A Yes, I did.

13 Q And that's the note that was omitted from the
14 original submission, am I correct, that we talked about
15 earlier?

16 A That was accidentally left out, yes.

17 Q Exhibit S-106 for the record.

18 MR. FISCHER: Yes. 106 which I marked
19 previously. I marked it as S-106. That is the October 25,
20 2007 note that was mailed later.

21 Q In any event, Miss Chesebro, October 25, 2007, you
22 made a long note?

23 A Yes.

24 Q And it's at that time that Shannon gives you
25 detailed information concerning the events involving George?

Elizabeth Chesebro - Cross

1007

1 A Correct.

2 Q What did Shannon say about when those events
3 occurred?

4 A Those events occurred when -- prior to living in
5 Chenango County, prior to the flood when she was, I believe,
6 between the ages of 11 and 12.

7 Q That was before August 1 of 2007?

8 A Yes.

9 Q All of the events involving George occurred before
10 August 1 of 2007?

11 A Yes.

12 Q And the October 29, 2007 interview with Detective
13 Blenis is based on that October 25 disclosure by Shannon?

14 A Yes.

15 Q In November of 2007, Shannon had a kidney stone, am
16 I correct, or was it Linda that had a kidney stone?

17 A November of 2007, yes. That would have been
18 Shannon.

19 Q That's a painful condition?

20 A To my knowledge, yes.

21 Q Did she receive pain medication for that?

22 A Yes, I believe so.

23 Q What pain medication did she receive?

24 A I don't recall.

25 Q Do you know how long she was given pain medication

Elizabeth Chesebro - Cross

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1 for the kidney stone issue in mid November 2007?

2 A There was a period when she was in the hospital
3 that they provided her with pain medication.

4 Q What other medications did Shannon receive while
5 she was at the Greater Binghamton Health Center?

6 A She received medications to assist with sleeping,
7 as well as antidepressant medications. And there was a
8 course, excuse me, a course of an antipsychotic medication.

9 Q When were those antipsychotic medications
10 administered, to the best of your knowledge?

11 A It was in the time frame where she had been hearing
12 voices. We spoke about that earlier. The auditory
13 hallucinations.

14 Q About what time frame was that?

15 A I'm not finding it at this point.

16 MR. FISCHER: S-18. May I approach, your
17 Honor?

18 THE COURT: Yes.

19 Q Ma'am, I'll show you what's marked for
20 identification as Exhibit S-18. What is that?

21 A This just, briefly scanning it, appears to be
22 progress notes, evaluations, and physician orders from the
23 Greater Binghamton Health Center. I believe I see a
24 treatment plan as well.

25 Q Have you seen that document before?

Elizabeth Chesebro - Cross

1009

1 A No, I have not seen this document.

2 Q Do you know whether Shannon had been administered
3 antipsychotic medication as of approximately October 1, 2007?

4 A She did receive emergency medication around that
5 time, yes.

6 Q And what emergency medication was that?

7 A She was provided -- I don't know -- I don't know
8 that I know the name of the medication but the hospital, they
9 called them stat meds for when a child was out of control.

10 Q Do you know whether Shannon was administered
11 Thorazine during the time that she was at the Greater
12 Binghamton Health Center?

13 A I do believe she was, yes.

14 Q During the time that Shannon was in the Greater
15 Binghamton Health Center and before October 25, 2007 when she
16 made the disclosure about George, you had already been privy
17 to the telephone conversation between Shannon and Mr. Sacco
18 where Mr. Sacco asks about Shannon speaking about her
19 grandfather?

20 A Yes.

21 Q Did you bring that to the attention before
22 October 25, 2007 to anybody at the Greater Binghamton Health
23 Center?

24 A Not to my recollection, I did not.

25 THE COURT: Okay. Ladies and gentlemen, we're

Elizabeth Chesebro - Cross

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1 going to break for lunch. We'll see you back at 1:30.

2 (Lunch break taken)

3 MR. FISCHER: S-13, Chenango County Hospital
4 record, I don't know if the witness has it or Colleen has it.

5 (Jury present)

6 THE COURT: Okay, Mr. Fischer.

7 BY MR. FISCHER:

8 Q Miss Chesebro.

9 A Yes.

10 Q Are you aware that on or about December 24, 2007,
11 excuse me, Miss O'Connor, Miss Shannon O'Connor was
12 prescribed Risperdal?

13 A Yes, I am.

14 Q Do you know what that is?

15 A It's a medication for a variety of symptoms.

16 Q What symptoms?

17 A I believe hers was prescribed at that time for
18 auditory hallucinations.

19 Q What auditory hallucinations was Shannon O'Connor
20 having in December of 2007?

21 A It was shared with me that she was hearing voices
22 of her abusers and crying babies.

23 Q Going into January of 2008, this year, Shannon was
24 still at the Greater Binghamton Health Center?

25 A Yep.

Elizabeth Chesebro - Cross

1011

1 Q You were still discussing with Kim Hamilton the
2 possibility of Kim Hamilton and Richard Hamilton adopting
3 Shannon O'Connor, am I correct?

4 A I believe at that point it was brought to my
5 attention by them that they were still interested in that, if
6 that would be a possibility down the road.

7 Q At that point it was still the agency's intention,
8 am I correct?

9 A Of what?

10 Q To have Kim and Richard Hamilton adopt Shannon
11 O'Connor.

12 A No, nothing had been decided about that.

13 Q Did you make a note January 7, 2008 about 11:30 AM?

14 A Yes.

15 Q Would you read that to yourself, please. Does that
16 refresh your recollection that Kim asked if Shannon would be
17 freed for adoption and you confirmed that is the agency's
18 intention at that time on January 7, 2008?

19 A Yes.

20 Q But there were concerns about the Hamilton family's
21 ability to provide for Shannon's high mental health needs, am
22 I correct?

23 A Yes.

24 Q Did Shannon have a phone, a cellphone?

25 A At one point she did, yes.

Elizabeth Chesebro - Cross

1012

1 Q When was that?

2 A She had that when she entered foster care. Her
3 cellphone was then taken into evidence after the controlled
4 phone calls, and then the Norwich City PBA replaced that
5 phone for her.

6 Q Did Linda O'Connor have a cellphone?

7 A Yes.

8 Q Did Linda have a cellphone, say, from August of
9 2006, to your knowledge, until she was incarcerated?

10 A I did not know if she had one that entire time.

11 Q During the month of January 2008 how did Shannon's
12 condition progress or regress?

13 A Is there a specific time frame you're looking for?

14 Q No. I'm asking generally at this point concerning
15 your recollections of January 2008, your observations of
16 Shannon's symptoms.

17 A She continued to be comfortable at the place which
18 she was at, which was the health center at that point.
19 Continued to work with her therapist there and develop coping
20 skills to know how to handle her emotions in a more
21 appropriate and healthy fashion than she had prior. She
22 seemed to be making improvements.

23 Q By the end of January of 2008 did Shannon still
24 exhibit to you signs of mental illness?

25 A Yes.

Elizabeth Chesebro - Cross

1013

1 Q Did it appear to you that Shannon's condition
2 deteriorated following contact with the Hamilton family?

3 A I did not witness that directly. That was her
4 therapist's opinion.

5 Q Would you disagree with that opinion?

6 A No. I feel that that was accurate given the
7 information they gave me.

8 Q Is it consistent with your observations that after
9 contact with the Hamilton family, Shannon's condition would
10 deteriorate?

11 A Yes.

12 Q That was during the month of January 2008?

13 A Without going through day by day in my notes, I
14 believe it was in January.

15 Q That sounds consistent?

16 A Yes.

17 Q What is Celexa, C-E-L-E-X-A?

18 A That is a medication. I believe it's classified as
19 an antidepressant.

20 Q Shannon was prescribed Celexa in February of 2008,
21 am I correct?

22 A Yes.

23 Q She was also given Benadryl at one point?

24 A Yes.

25 Q What other antidepressants were prescribed for

Elizabeth Chesebro - Cross

1014

1 Shannon?

2 A Zolofit.

3 Q How much?

4 A I believe there were different dosages ranging from
5 25 milligrams upwards.

6 Q Upwards to how high?

7 A I don't know that.

8 Q Do you know whether the dosage got up to
9 150-milligram dosages?

10 A I don't recall.

11 Q At some point it became known to Shannon that she
12 was to testify in a state court trial, am I correct?

13 A Yes.

14 Q Do you remember discussions with Shannon concerning
15 not making herself look too old for that trial?

16 A Yes.

17 Q What's Trazodone?

18 A Trazodone is a medication that was used for Shannon
19 as a asleep aid.

20 Q At some point after the federal government got
21 involved in this matter, you spoke with Mr. Lovric, am I
22 correct?

23 A Yes.

24 Q That was in approximately February of this year?

25 A Yes.

Elizabeth Chesebro - Cross

1015

1 Q Does the date of February 10 or February 11, 2008
2 sound right?

3 A Approximately, yes.

4 Q At that point Shannon is still severely mentally
5 ill?

6 A She was still hospitalized at that time.

7 Q Was she still severely mentally ill at that time?

8 A She was -- I don't feel I am the professional that
9 should be answering that question.

10 Q Did you reflect in your notes that Shannon was
11 severely mentally ill?

12 A That's very possible, yes.

13 Q Shannon was hospitalized on February 14 of 2008?

14 A Yes. Excuse me. You're speaking the medical
15 hospital?

16 Q Yes.

17 A Okay.

18 Q What were the complaints that required her
19 hospitalization at that time?

20 A She was having abdominal pain.

21 Q Where was she admitted?

22 A I believe she was admitted to Lourdes Hospital.

23 Q Did she also go to Wilson at one point?

24 A Yes, she did.

25 Q So she went to Wilson first and then to Lourdes?

Elizabeth Chesebro - Cross

1016

1 A That's my understanding of it, yes.

2 Q She was admitted overnight, am I correct?

3 A Yes.

4 Q Do you remember what her complaints were beyond
5 abdominal pain at that point?

6 A She was having urine retention.

7 Q I'm sorry?

8 A Urine retention.

9 Q In late February of this year you had a
10 conversation, February 26 of 2008, you had a conversation
11 with Shannon, correct?

12 A I don't believe I did speak with her on that date.

13 Q Okay. You spoke with Mr. Lovric on that date?

14 A Yes, I did.

15 Q You spoke with doctor -- is it Dr. Toth --

16 A Yes.

17 Q -- on that date, am I correct?

18 A Yes.

19 Q You noted, am I correct, that Shannon has been
20 weepie and irritable this last week in part because she just
21 got her period?

22 A Yes.

23 Q You made that note?

24 A Based on what -- based on my conversation with Dr.
25 Toth, yes.

Elizabeth Chesebro - Cross

1017

1 Q Why did you note that?

2 A That was part of her up date to me about Shannon's
3 demeanor on how she was handling things.

4 Q This is Dr. Toth passing this information to you?

5 A Yes.

6 Q And Dr. Toth is Shannon's psychiatrist?

7 A Yes.

8 Q You met with Mr. Lovric here in the Federal
9 Building on March 7 of this year?

10 A Yes, I did.

11 Q Who else was present?

12 A Myself, Dr. Toth, Shannon and Miro Lovric.

13 Q Was Mr. Lyons present?

14 A I don't have in my note that he was for that
15 meeting.

16 Q At that time did Shannon indicate that she started
17 going on the internet in fifth grade?

18 A Yes, she did.

19 Q Did she indicate at that time that she went into
20 chat rooms at that time?

21 A Yes, she did.

22 Q Did she indicate during that meeting that her mom
23 and George had e-mailed and instant messaged each other on
24 the computer?

25 A Yes.

Elizabeth Chesebro - Cross

1018

1 Q You, again, met with Mr. Lovric next on what date,
2 March 14?

3 A Correct.

4 Q Is that right?

5 A Yes.

6 Q Who was present for that meeting?

7 A Shannon, myself, Dr. Toth and Miro Lovric.

8 Q Was Mr. Lyons present during that meeting?

9 A I don't have noted that he was.

10 Q This was your third meeting with Mr. Lovric and
11 Shannon?

12 A It's my recollection that was my second meeting
13 with them.

14 Q Did you have an initial meeting with Mr. Lovric at
15 which there was pizza brought in?

16 A Yes.

17 Q An initial get to know you meeting?

18 A Yep.

19 Q Then on March 7 there was a longer meeting where
20 some of the substance of this claim was discussed, am I
21 correct?

22 A If I remember correctly, that was the same
23 incident.

24 Q In any event, on the March 14 meeting you had a
25 lengthy meeting, am I correct?

Elizabeth Chesebro - Cross

1019

1 A Yes.

2 Q Where the substance of this matter was discussed,
3 is that right?

4 A Yes.

5 Q Did Shannon speak at that meeting about her
6 physical relationship with George?

7 A Yes, she did.

8 Q What did she say about that?

9 A She basically walked us through a description of
10 what occurred between the two of them involving herself,
11 George, and her mom telling us the events.

12 Q Did she say when that physical contact with
13 George -- withdraw that. The contact with George that
14 Shannon described during that March 14, 2008 meeting, that
15 was sexual contact, am I correct?

16 A Yes.

17 Q Did Shannon say when that sexual contact began?

18 A It's my recollection that contact began when she
19 was approximately 11 and a half, 12 years old.

20 Q Did Shannon say during that meeting when that
21 sexual contact stopped?

22 A It stopped prior to the flood of 2006.

23 Q What Shannon disclosed during that March 14, 2008
24 meeting was consistent with what Mr. Sacco said on the
25 telephone -- controlled telephone conversation with Shannon

Elizabeth Chesebro - Cross

1020

1 with respect to whether George had or not had sexual contact
2 with Shannon, am I correct?

3 A Contact was discussed in the phone call, yes.

4 Q And it was also discussed in this March 14, 2008
5 meeting?

6 A Yes.

7 Q You have talked about some suicide attempts, as I
8 understood, as you described them that Shannon made?

9 A Yes.

10 Q Did Shannon make a suicide attempt after she was
11 caught using the Lang's computer to access porn sites?

12 A Yes, she did.

13 Q How did she attempt to commit suicide at that
14 point?

15 A She took a shot of Clorox and a shot of perfume.

16 Q That just made her sick, right?

17 A To my understanding, yes.

18 Q Let me go back to March 12, 2007, approximately ten
19 days after Shannon first claimed anything concerning Mr.
20 Sacco, okay?

21 A Yes.

22 Q On that date you took -- on that March 12, 2007
23 date you took Shannon to the hospital, am I correct?

24 A Yes, I did.

25 Q And did you accompany Shannon during the entire

1 visit?

2 A Yes.

3 Q During that visit did the doctor ask Shannon when
4 her last menstrual period was?

5 A I believe he did, yes.

6 Q Do you remember her answer?

7 A I believe she estimated that it was approximately a
8 month prior to that.

9 Q January?

10 A I believe so, yes.

11 Q I don't want to put words in your mouth. I'll hand
12 you Exhibit S-13.

13 A Okay.

14 Q I'll ask you to look at the second page of that,
15 please, under history?

16 A Yes.

17 Q Under past HX, would you read the last to yourself,
18 the last sentence of that entry, please?

19 A Yes, I did.

20 Q Does that refresh your recollection as to what
21 Shannon told the doctor?

22 A Yes.

23 Q What did Shannon say at that time?

24 A That her last normal period was in January.

25 Q The doctor notes who the historian was that gave

Elizabeth Chesebro - Cross

1022

1 the histories, am I correct?

2 A I haven't read this whole thing.

3 Q Is it consistent with your recollection that both
4 you and Shannon were the historians that gave the information
5 to the doctor?

6 A I did assist with that.

7 Q When you were present on that March 12, 2007 visit
8 at Chenango Hospital, did Shannon describe what she claimed
9 occurred with Mr. Sacco?

10 A To my recollection she did.

11 Q When she talked with the doctor on March 12 of
12 2007, did the doctor ask her if there had been any physical
13 violence against her in that incident?

14 A It may be in his report here. I don't recall.

15 Q If you will go -- you don't have an independent
16 recollection as you sit there?

17 A No, I do not.

18 Q If you'll continue two more pages, please.
19 Physician clinical report, do you see that?

20 A Okay. The header here is what you're saying?

21 Q Yes. Go down to that list under history of present
22 illness, additional history. Would you read that to
23 yourself, please. Does that refresh your recollection that
24 the doctor asked Shannon at that time whether there was any
25 physical violence?

Elizabeth Chesebro - Cross

1023

1 A I don't recall whether it was asked but it notes
2 here no physical violence.

3 Q Shannon was forthright with the doctor at that
4 time, am I correct?

5 A Yes.

6 Q And she gave a consistent history at that time, am
7 I correct?

8 A Yes.

9 Q On that March 12 visit with the doctor, they
10 performed a physical examination of Shannon O'Connor, am I
11 correct?

12 A Yes.

13 Q The doctor did an examination of Shannon O'Connor
14 to determine whether she had a torn hymen, am I correct?

15 A Yes.

16 Q And she did, am I correct?

17 A Correct.

18 Q You don't know what caused that, am I correct?

19 A I only know what Shannon reported to me.

20 Q Shannon never reported to you that she had used an
21 adult sex toy before that date, am I correct?

22 A No.

23 Q I'm not correct or --

24 A You are correct in that.

25 Q Thank you. When you left the doctor's office

Elizabeth Chesebro - Cross

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1 Shannon was told that if she did not have her period within
2 the next -- within the next week, that she should follow-up
3 with the doctor's office, am I correct?

4 A I'd like to see what the discharge instructions
5 were. Yes.

6 Q And she did not follow-up with that Chenango
7 Hospital within a week, am I correct?

8 A She was only seen one time by Dr. Waters. She had
9 an at-home pregnancy test done after at the one week period.

10 Q And she was not pregnant?

11 A Correct.

12 Q From the time that Shannon originally made a claim
13 against Mr. Sacco, you've never had any doubt in your mind
14 that what she told you was absolutely true, am I correct?

15 A She's never given me a reason to believe that she
16 wasn't being truthful with me.

17 Q You never undertook any substantial investigation
18 to -- with respect to whether she -- I'll withdraw that. You
19 never asked her about a physical description of Mr. Sacco,
20 did you?

21 A I believe she gave a physical description when we
22 were at the police station for the first interview.

23 Q And do you recall what that was?

24 A I remember a statement that he had a scar, I
25 believe, on his abdomen and that he was bald and she gave an

Elizabeth Chesebro - Cross

1025

1 approximate age.

2 Q Part of your job involves speaking with children
3 about difficult issues involving sex abuse, am I correct?

4 A Yes.

5 Q You're trained to ask difficult questions?

6 A Yes.

7 Q Did you ask Shannon whether she observed anything
8 physically about Mr. Sacco with respect to his genitals?

9 A I don't recall that I did.

10 MR. FISCHER: Thank you, Judge. Those are all
11 the questions I have.

12 THE COURT: Miss Peebles.

13 CROSS-EXAMINATION

14 BY MISS PEEBLES:

15 Q Miss Chesebro, when you were first hired by the
16 Chenango County Department of Social Services in August of
17 '05, you were 22 years old at that time?

18 A I believe that to be accurate.

19 Q And you were assigned or inherited the O'Connor
20 case approximately a year and three months after that, is
21 that correct?

22 A Actually it -- I was hired in August and I acquired
23 the case in November.

24 Q August of '05?

25 A Of '05, so approximately a year and a half.

Elizabeth Chesebro - Cross

1026

1 Q Year and about three months, you were employed by
2 DSS for a year and three months, and at that time when you
3 first came into the O'Connor household, you were 23 years
4 old, is that correct?

5 A Correct.

6 Q Now you knew there was a court order in place at
7 that point in time that was handed down by the Family Court
8 judge which required Mrs. O'Connor to not allow Shannon
9 around Dean Sacco unsupervised, correct?

10 A Yes.

11 Q Now, you were aware that Mr. Sacco was residing in
12 the apartment upstairs, is that correct?

13 A I was not aware that he was residing there.

14 Q In fact, you didn't make any inquiry about Dean
15 Sacco and where he lived or what contact Shannon was having
16 with him at that point, if any, is that fair to say?

17 A Other than just talking with the family about if
18 they had seen Dean, if he had come around at all. Other than
19 that, I didn't look any further than talking to the family,
20 no.

21 Q When you say family, you're talking about Mrs.
22 O'Connor and you're talking about Shannon, correct?

23 A Yes.

24 Q Now, you indicated you didn't know he was residing
25 upstairs in the upstairs apartment, is that what you're

Elizabeth Chesebro - Cross

1027

1 saying here today?

2 A Yes.

3 Q All right. Mr. Sacco makes a phone call on
4 December 6 indicating that Mrs. O'Connor hadn't paid the rent
5 yet for December, and you've got that information through
6 another employee, is that fair to say?

7 A Yes.

8 Q Now at that point in time did you ever talk to
9 Linda about whether or not she was around or allowing Shannon
10 to be around Dean Sacco?

11 A There were conversations about that, yes.

12 Q Did you make any notations about that in any of
13 your case notes?

14 A In reviewing my case notes, no, they're not in
15 there.

16 Q You never mentioned any conversation that you had
17 with Shannon or Linda concerning Mr. Sacco, is that true?

18 A Correct.

19 Q You had a conversation with Mrs. O'Connor's
20 counselor, Lydia Smith, in December, December 4. You had a
21 meeting with her, correct?

22 A Yes.

23 Q And during that meeting you learned that Linda
24 O'Connor wanted counseling in order to help her get along
25 better with her daughter Shannon, correct?

Elizabeth Chesebro - Cross

1028

1 A Yes.

2 Q And at that point in time it was determined that
3 she needed parenting classes, is that fair?

4 A Assistance with parenting in some way, shape or
5 form, yes.

6 Q Correct. In regard to her counseling, Mrs.
7 O'Connor had signed a lease and asked her counselor to
8 contact Reverend Kathy Myrick, is that fair to say?

9 A I have no idea about that.

10 Q Did you note that anywhere in your case notes?

11 A I remember a note that Lydia Smith said that she
12 had had contact with Kathy Myrick. How that came about, I
13 don't know.

14 Q But you know that Linda O'Connor went to see
15 counseling from Kathy Myrick in Deposit when she lived in
16 Deposit, is that fair?

17 A Yes.

18 Q You knew that because you spoke to Mrs. O'Connor
19 about that, is that correct?

20 A I knew that that was her pastor at the time. I
21 wasn't aware until much later that she ever had counseling
22 with Pastor Myrick.

23 Q But at some point you learned she had some
24 counseling from Pastor Myrick in Deposit?

25 A Yes.

Elizabeth Chesebro - Cross

1029

1 Q Now it's Lydia Smith who reaches out to Kathy
2 Myrick in Deposit, correct?

3 A Yes.

4 Q And it's at that point in time that Lydia Smith
5 contacts you and relays information that she got the
6 impression after speaking with Kathy Myrick about Shannon
7 O'Connor being prostituted in exchange for rent, is that fair
8 to say?

9 A Yes.

10 Q Had you ever met with Kathy Myrick?

11 A No.

12 Q You ever speak to Kathy Myrick?

13 A I made attempts, but I did not.

14 Q Now, at some point Linda O'Connor expresses
15 concerns during that time period that she's unable to help
16 Shannon with her homework, is that fair to say?

17 A Yes.

18 Q And in fact, she felt like she needed help with
19 that because she just was not able to assist her in that
20 regard, is that correct?

21 A Yes.

22 Q And you were going to make arrangements for her to
23 get tutoring as a result of Mrs. O'Connor's concerns,
24 correct?

25 A I was going to make the attempt, yes.

Elizabeth Chesebro - Cross

1030

1 Q Now, throughout the month of December of 2006, is
2 it fair to say that you had quite a bit of interaction
3 between Mrs. O'Connor and Shannon O'Connor?

4 A I would say I had an average amount for what my
5 caseload allows.

6 Q Well, you had contact with Mr. Sacco through
7 someone at your agency regarding her failure to pay the rent
8 December 6, correct?

9 A Yes. There was a phone call received about that.

10 Q And then there was a period of time during December
11 where Shannon hadn't gone to school you were making contact
12 between the school counselor and Mrs. O'Connor, correct?

13 A Yes.

14 Q And then you had a conversation with Mrs. O'Connor
15 concerning her failure to pay the rent on time because you
16 had conversations with individuals at your agency about what
17 Dean Sacco had said, correct?

18 A Yes.

19 Q And Mrs. O'Connor had told you that she was getting
20 the ball rolling for HUD assistance at that point in time,
21 correct?

22 A Yes.

23 Q Now, there's an incident in January where you were
24 asked on direct examination whether Shannon ran away from
25 home. Do you remember that?

Elizabeth Chesebro - Cross

1031

1 A Yes.

2 Q And that was on January 12, is that correct?

3 A I believe she actually ran away on the 11th, but I
4 was aware of it on the 12th, yes.

5 Q You became aware of it on the 12th?

6 A Yes.

7 Q In fact, you had an office visit with Mrs. O'Connor
8 concerning that incident, is that correct?

9 A I passed her in the office, told her I was on my
10 way out, couldn't speak then, and we had a phone call later,
11 but yes, I did speak with her about that.

12 Q And you made a note and you thought that she didn't
13 take any responsibility for Shannon leaving the house that
14 night, is that correct?

15 A Yes.

16 Q And Shannon indicated to you that she was -- there
17 was an increase in fighting between her and her mother at
18 that point, is that correct?

19 A I believe she reported that to her school
20 counselor.

21 Q That was reported to you?

22 A Through the school counselor.

23 Q And then you made a note of it, is that fair to
24 say?

25 A Yes.

Elizabeth Chesebro - Cross

1032

1 Q Now, I want to talk to you about February 26, the
2 Pizza Hut incident, do you understand?

3 A Yes.

4 Q Now, you were aware because you inherited this case
5 through Naomi Panus, correct?

6 A Yes.

7 Q You knew there was a neglect petition against Mrs.
8 O'Connor?

9 A Yes.

10 Q And you knew it dealt with her inability to provide
11 for Shannon, correct?

12 A Yes.

13 Q And you were aware that Mrs. Panus had told Mrs.
14 O'Connor if she couldn't provide food for Shannon that they
15 would find a home where they could, correct?

16 A I think that was probably taken out of context. I
17 was not there if that was ever said between Naomi and Linda,
18 but that is a general statement that's often made to parents,
19 that that's one of their key jobs is to provide food for
20 their children.

21 Q Did you look at Naomi's case notes before you took
22 over the case?

23 A Yes.

24 Q Did you review the case notes?

25 A Yes.

Elizabeth Chesebro - Cross

1033

1 Q Do you recall seeing a notation in there by her
2 concerning that?

3 A Concerning the lack of food?

4 Q Yes.

5 A I don't recall at this point.

6 Q Now, on February 26 you meet with Shannon at the
7 school. That's after Mrs. O'Connor had been arrested the
8 night before for leaving Pizza Hut, correct?

9 A Yes.

10 Q During that conversation you told Shannon that it
11 would be in her best interest to be in foster care at that
12 point, is that correct?

13 A That was my assessment, but I needed to speak with
14 my supervisor.

15 Q After you were done talking with Shannon about the
16 incident you went over and you had a conversation with Mrs.
17 O'Connor at her home, is that correct?

18 A Yes. It was after that.

19 Q And you told Linda that if she had not purchased a
20 dog she would have had money to feed Shannon, is that
21 correct?

22 A I believe I asked if that was the case.

23 Q You didn't tell her that had she not purchased a
24 dog she would have had money to feed Shannon? Would it help
25 if you referred to your case notes?

Elizabeth Chesebro - Cross

1034

1 A Yes. After I asked if purchasing a dog had
2 anything to do with not having money for food and she would
3 not answer, that's when I did say, if she hadn't bought the
4 dog I thought that she wouldn't have had to put her daughter
5 in that situation.

6 Q And yet you chastised Linda, you told her she put
7 Shannon in a very bad situation at that point, is that fair?

8 A She did.

9 Q And you told her in fact you wanted her at that
10 point to sign a consent to have her placed in foster care,
11 correct?

12 A Yes.

13 Q Linda didn't want to do that, is that correct?

14 A Correct.

15 Q And Linda was crying at that point, is that
16 correct?

17 A Yes.

18 Q And you told her that Shannon wasn't safe in her
19 care, correct?

20 A Yes.

21 Q And you told Linda that she had plenty of
22 opportunities to get help but she refused, is that correct?

23 A Yes.

24 Q And you also told her if she didn't consent to
25 placing her in foster care, you were getting a court order

Elizabeth Chesebro - Cross

1035

1 asking a judge to put her in foster care, is that correct?

2 A I let her know -- I let her know if she didn't sign
3 the consent, I would be asking the judge for an order to
4 remove Shannon.

5 Q Now, you went back to the school after that
6 conversation, you picked Shannon up from school that
7 afternoon, is that correct?

8 A Yes.

9 Q You drove her back to Mrs. O'Connor's house and she
10 packed her stuff and you took her to the Hamiltons, is that
11 correct?

12 A Yes.

13 Q And you picked her up from the Hamiltons and
14 transported her to Family Court, is that correct?

15 A Yes.

16 Q And at that point the court ordered supervised
17 visitation between Shannon and Linda, is that correct?

18 A Yes.

19 Q Now, after Shannon was placed with the Hamiltons
20 she was happy when she got to the Hamiltons, is that fair to
21 say?

22 A Yes.

23 Q In fact, she loved having a mother and a father and
24 siblings all together in one household, is that fair to say?

25 A She definitely liked their family lifestyle.

Elizabeth Chesebro - Cross

1036

1 Q And you began to develop a close relationship with
2 Shannon during that time period, is that fair to say?

3 A As her caseworker, yes.

4 Q All right. Well, you had constant communication
5 with Shannon throughout that time period while she was with
6 the Hamiltons, is that fair to say?

7 A Yes.

8 Q In fact, you had phone contact, phone contact?

9 A Yes.

10 Q And you had car transportation. You took her to
11 doctor appointments, to and from school on occasion, is that
12 correct?

13 A Yes.

14 Q You took her to the police station in March, twice
15 for the recorded phone conversations, correct?

16 A Yes.

17 Q You also had e-mail correspondence with Shannon, is
18 that correct?

19 A I believe she did write to me on the internet, yes.

20 Q In fact, she had set up a MySpace account; you were
21 aware of that, correct?

22 A Yes.

23 Q Mrs. Chesebro, I'm going to hand you what's been
24 marked as Defense Exhibit 021 and ask if you can identify
25 that document?

Elizabeth Chesebro - Cross

1037

1 A Yes. This is Shannon's MySpace page.

2 MISS PEEBLES: Your Honor, at this time I'd
3 like to offer Defendant's Exhibit O-21 into evidence.

4 MR. LOVRIC: Can I take a look at it?

5 No objection.

6 MR. FISCHER: No objection.

7 THE COURT: All right. We'll receive
8 Defendant's O-21 into evidence.

9 Q Now, I'm going to refer to her MySpace page where
10 she -- Now you knew she had this, correct?

11 A Correct.

12 Q And she created this when she was living with the
13 Hamiltons, within the first week she was there, is that
14 correct?

15 A Correct.

16 Q She refers to herself as party girl, and you knew
17 she did that, correct?

18 A Yeah.

19 Q And she referred to herself as being a female who
20 was 17 years old living in Norwich, is that correct?

21 A Yes.

22 Q And she had to do that in order to access adult
23 MySpace accounts, is that correct?

24 A I suppose. I don't know why she has those on
25 there.

Elizabeth Chesebro - Cross

1038

1 Q But you knew she put 17 on there; you were aware of
2 that?

3 A Yep.

4 Q Now she had you as one of her MySpace best friends,
5 is that correct?

6 A She had me on her list, yes, she did.

7 Q She had you and Naomi, is that correct?

8 A Yes.

9 Q She also had another friend, or another caseworker
10 as one of her friends, Theresa Jones. Were you aware of
11 that?

12 A No.

13 Q All right. Through her MySpace account she could
14 access everything that was on your MySpace account, correct?

15 A Correct.

16 Q And she could access everything on Mrs. Naomi
17 Panus' MySpace account as well, correct?

18 A Assumably, yes.

19 Q I'm going to hand you what's been marked as
20 Defendant's Exhibit O-22 and ask if you've ever seen that?

21 A I've seen this portion of it. I don't know that I
22 have seen that part though.

23 Q The top -- the top four pages you recognize?

24 A Yes.

25 Q And they're from your MySpace account?

Elizabeth Chesebro - Cross

1039

1 A Yes.

2 MISS PEEBLES: Your Honor, at this point I'd
3 like to offer Defendant's Exhibit O-22 into evidence.

4 MR. LOVRIC: Is that the pages she identified?

5 MISS PEEBLES: Yes.

6 MR. LOVRIC: I have no objection.

7 Q Now, Exhibit O-22, the first page is an e-mail --

8 THE COURT: There's no objection, the Court
9 will receive O-22.

10 MISS PEEBLES: Thank you.

11 THE COURT: Okay.

12 Q O-22 is an e-mail from Naomi Panus to you that
13 Shannon had access to for your MySpace?

14 A It's a comment on my page.

15 Q It says, "Are you ready to party like rock stars?"
16 And that was from Naomi, is that correct?

17 A Yes.

18 Q And there's another e-mail to you that says, "Happy
19 birthday, Z Boner." And that's from your MySpace account,
20 correct?

21 A That is.

22 Q And there's another e-mail that was sent to you
23 with a photograph of somebody drinking a shot that says,
24 "Cheers to your birthday, shots when I come to your city
25 soon." Correct?

Elizabeth Chesebro - Cross

1040

1 A Yes.

2 Q Then there's another e-mail that had been sent with
3 an attached cartoon that says, "I'm full of diapers and
4 underwear. How degrading. You think that's bad, I'm full of
5 lube and gay porno magazines. Hey guys, I'm full of PT
6 feminine hygiene products. Douche bag." That was part of
7 your MySpace page, correct?

8 A Yes.

9 Q I'm going to hand up what's been marked as Defense
10 Exhibit O-23 and ask if you can identify those documents.

11 A I know I've seen some of these before, but if
12 you're asking me if they're from my page, I don't believe
13 that they are. Some of these people, I don't know who they
14 are.

15 Q But they were accessed through your MySpace
16 account, you've seen those before, is that fair to say?

17 A I have seen some of the graphics.

18 Q Which graphics have you seen?

19 A I know I've seen that one with the --

20 Q Pull out all the ones that you're familiar with.

21 A Those are the graphics I'd seen before. Whether it
22 was through e-mail, MySpace, internet, I do not know.

23 Q Now, Theresa Jones is a caseworker that you were
24 friendly with, correct?

25 A She's a caseworker in the unit, yes.

Elizabeth Chesebro - Cross

1041

1 Q You guys e-mail back and forth on MySpace, is that
2 correct?

3 A She sent me comments before. It's not a regular
4 occurrence though.

5 Q But she sent you comments before and photographs?

6 A Yes.

7 Q And some of those photographs are pretty graphic,
8 aren't they?

9 A They have been, yes.

10 Q In fact, there were a lot of crude cartoons that
11 she'd sent, is that correct?

12 A I don't recall specifically if I received crude
13 cartoons from her.

14 Q Well, were there a lot of sexually explicit
15 cartoons that she was sending you?

16 A Honestly, I do not recall.

17 Q If she were, Shannon had access to those by virtue
18 of her access to her MySpace account through your MySpace
19 account, is that correct?

20 A Yes, she would have had access to those.

21 Q I want to talk about some of the correspondence
22 that Mrs. O'Connor attempted to give to her daughter when she
23 was in foster care and/or at the psychiatric hospital but the
24 letters weren't given to her. Do you understand that?

25 A The letters weren't given to her, as in Shannon?

Elizabeth Chesebro - Cross

1042

1 Q Correct.

2 A Yes.

3 Q I'm going to hand you what's been marked as Defense
4 Exhibit O-23 and ask if you can identify those exhibits.

5 THE COURT: We have an O-23.

6 MISS PEEBLES: I'm sorry. O-24.

7 Q Do you know what these documents are?

8 A Yes.

9 Q What are they?

10 A They're all documents that -- from Linda to Shannon
11 that were not provided to Shannon for various reasons.

12 MISS PEEBLES: Your Honor, at this point I'd
13 like to offer Defense Exhibit O-24.

14 THE COURT: Okay.

15 MR. LOVRIC: I am sorry. I didn't catch. Did
16 she indicate she did not turn these over to Shannon? I
17 didn't hear the last --

18 THE WITNESS: Yes.

19 MISS PEEBLES: Correct.

20 MR. LOVRIC: I guess I'd just ask, what's the
21 relevancy?

22 THE COURT: Let me just see if I'm up with the
23 witness. These letters came from Linda O'Connor?

24 THE WITNESS: Yes.

25 THE COURT: But they were not given to Shannon

Elizabeth Chesebro - Cross

1043

1 O'Connor?

2 THE WITNESS: They were given to me and then I
3 chose professionally that they weren't appropriate for
4 Shannon for various reasons.

5 THE COURT: They weren't given to Shannon?

6 THE WITNESS: Nothing that Shannon viewed.

7 THE COURT: Let's go to side-bar.

8 (At the bench)

9 THE COURT: Okay. I take it you're offering
10 to show the state of mind of Linda O'Connor at the time?

11 MISS PEEBLES: No.

12 THE COURT: What for?

13 MISS PEEBLES: I'm just offering them -- she
14 determined these were inappropriate. I would like an
15 explanation. She was accessing a MySpace --

16 THE COURT: As to why they're inappropriate?

17 MISS PEEBLES: Exactly. It goes to what her
18 professional role was, counseling between Shannon and Mrs.
19 O'Connor, and she chose after reading them not to give them
20 to her in her professional capacity for a specific reason.
21 I'd like to question her as to why they're inappropriate.

22 THE COURT: Okay.

23 MR. LOVRIC: I don't have any objection to
24 that being obviously cross-examined, but I don't know why the
25 letters have to go in since you can cross-examine her about

Elizabeth Chesebro - Cross

1044

1 that without --

2 MISS PEEBLES: I want to read from them.

3 MR. LOVRIC: I guess that's my objection is
4 that it never came to Shannon so I don't know what it has --
5 I guess I don't see --

6 THE COURT: This witness' -- credibility with
7 every witness is on the line, and she did certain things in
8 this case that related to Shannon and Linda O'Connor, in some
9 cases using her professional judgment. In this case she got
10 material from Linda and didn't turn it over to Shannon and I
11 think that may have some bearing on what her -- the witness'
12 mind-set was as she did what she did or did what she didn't
13 do. I think for that purpose they seem to be appropriate for
14 me.

15 MR. LOVRIC: Okay, Judge.

16 MISS PEEBLES: Thank you.

17 (In open court)

18 THE COURT: All right, ladies and gentlemen.
19 The Court is going to receive Defendant O'Connor O-24 in
20 evidence, and you probably won't remember this and I don't
21 blame you a bit. Way back in the beginning when I was giving
22 you all those general instructions, I said, sometimes the
23 Court might give you an exhibit or let evidence in and tell
24 you it's for a limited purpose and when I do that you've got
25 to follow those instructions, and this is one of those times.

1 These letters are in evidence to be --
2 questions will be asked of the witness by Miss Peebles, and
3 the issue that they're coming in on, what was this witness'
4 state of mind with respect to how she was interfacing between
5 Linda O'Connor and Shannon O'Connor when she decided not to
6 give these letters to Shannon O'Connor. They're not being
7 offered for the truth of the contents of the letter but as to
8 why this witness did what she did or didn't do. Okay.

9 BY MISS PEEBLES:

10 Q Now I'm going to go through and read one of the
11 letters dated August 27 of 2007, which starts with, "Release
12 date October 12 and, yes, Mommy is walking home, lose more
13 weight. Shannon O. Hi. How is everything with you? I'm
14 doing very well. I have some exciting news to tell you
15 about. Do you remember all my medications I was on before my
16 August arrest? Look at the bottom of the page for a minute.
17 I thought that would make you happy. I also lost more
18 weight. I'm down to -- to -- drum roll please -- 175. I've
19 lost 27 pounds. My blood work that was for my sugar, 6.8
20 normal and 6.5 my sugar, almost perfect. No more fatty liver
21 either. My health is much better and it will stay this way.
22 Also, Mommy is in class now. It starts for employment and
23 life skills transition program. I should learn some things
24 while I'm in here. I might as well make the most out of my
25 time in here. Maybe I'll get a certificate from the teacher

1 if I do well and go to all my classes. I hope this letter
2 makes you happy. I'm excited about writing it. I've got to
3 tell you also that I'm going to call you next Tuesday 9/4 at
4 1:15. I'll call Liz at 1:10 to find the number to call.
5 Also, when you go to school I will have to call at 3:10 or
6 3:15, if I can at all earlier let me know, okay, but look in
7 it at 3:45 and we need to talk for a bit. I'll find out."
8 She talks about her medication down there, is that correct?

9 A Yes.

10 Q And on the back of the letter it says, "All the
11 information when I talk to you Tuesday. Well, Sweetie, the
12 angels are in between the stars keeping you safe and
13 protecting you. Don't forget it. Roses on your pillow.
14 Love you, Noodles. Love you always always. Mom."

15 "Sent back to Linda for not being appropriate. See
16 letter to Linda dated 9/6/07." You wrote that note at the
17 bottom, is that correct?

18 A Yes.

19 Q And this letter wasn't given to Shannon so she's
20 never seen this, is that correct?

21 A Correct.

22 Q And you chose not to give her this because she was
23 talking about her health, that is, Mrs. O'Connor's health?

24 A It was a decision made between my supervisor and I,
25 yes.

1 Q And then there's another letter that was addressed
2 to Shannon September 4, 2007. "Shannon, how is my princess
3 doing today? I'm good. Looking forward to seeing you soon.
4 I miss you very much. And I am looking forward to being
5 released from here. I'm hoping I receive your letter today.
6 Just tested my sugar. 102, perfect. This morning it was
7 121. Dinner is soon. Ham and yam. I'll make a ham sandwich
8 and eat my fruit, get a snack later. We received the mail
9 and no letter. It must have gotten lost. Anyway, I know
10 you'll write me again soon, Sweetie. It's 11:00 PM and I'm
11 going to cut this letter short, but the angels are in between
12 the stars keeping you safe and protecting you. Don't forget
13 it. Angels are always there to protect you. Roses on your
14 pillow. Love, Mom." There's a note at the bottom, "not
15 given to Shannon but copied so it could be put in a binder."
16 That was your notations, correct?

17 A Yes.

18 Q And then there is another letter dated October 18,
19 '07 that starts by saying, "Shannon, I do love you with my
20 whole heart and I need to make that clear to you so you
21 believe that. I received your letter letting me know exactly
22 how you feel concerning Ray. I am not upset about that
23 letter. As a matter of fact, I was glad you were honest with
24 me about how you feel. Shannon, when I had you, I made the
25 choice to put you first and everything, and I know that you

1 feel that I would have to make a decision on who I want in my
2 life. Rest assured, that decision was made when I first held
3 you in my arms. I want only you. I will not have anything
4 to do with Ray. I will move from here and do everything
5 Social Services wants. No more fighting then. I know you
6 need to see proof of this and you will have it. This is what
7 Mom wants. I want my Noodles and only you, okay, Sweetie? I
8 do love you and I am truly sorry for the hurt I caused you.
9 Please forgive me and Shannon, always remember, the angels
10 are in between the stars keeping you safe and protecting you
11 and don't forget it. Roses on your pillow. Loving you
12 always, Mom." And that was not given to Shannon either, is
13 that correct?

14 A Correct.

15 Q December 12 she writes another letter to Shannon,
16 and this is when she's in the Greater Binghamton Health
17 Center, correct?

18 A Yes.

19 Q And when Shannon was placed in the Greater
20 Binghamton Health Center she had absolutely no contact with
21 her mom, is that correct?

22 A On the therapist's recommendation, yes.

23 Q The letter states, "Hi, Shannon. How is my sweetie
24 doing? I'm doing good. I've moved to a new apartment, 14
25 Miller Street. It's a nice apartment. I miss you very much

Elizabeth Chesebro - Cross

1049

1 and I'm doing everything I'm asked to do so you can come home
2 to me. Shannon, we will celebrate the holidays when you come
3 home, but for now I will give you a few gifts for Christmas
4 in a few weeks if I'm permitted to do so. I love and miss
5 you. Do everything you're asked to do. I will write you
6 again soon. Love, Mom." That was not given to Shannon
7 either, correct?

8 A Yes.

9 Q And Shannon's birthday is on December 27, correct?

10 A Yes.

11 Q And Mrs. O'Connor tried to send her a birthday
12 card?

13 A I believe that was a Christmas card.

14 Q A Christmas card. And this was not given to her,
15 correct?

16 A At the recommendation of the therapist.

17 Q It says, "Shannon, Happy Birthday. Although I
18 can't be there to share your happiness, I hope you know I
19 wish you all the joy that you deserve. Love, Mommy." That
20 was a birthday card, correct?

21 A Yes.

22 Q You and your supervisors made a decision not to
23 give these to Shannon?

24 A Yes.

25 Q That's your testimony?

Elizabeth Chesebro - Cross

1050

1 A Yes.

2 Q Because you felt that the content was not
3 appropriate?

4 A The first two letters, if I recall correctly, what
5 the first two were letters that we did not feel were
6 appropriate for her at the time.

7 Q Let me stop you right there. All right. Referring
8 to those first two letters, but going on to a MySpace
9 account, seeing crude cartoons is appropriate?

10 MR. LOVRIC: I object.

11 THE COURT: Sustained.

12 Q Now there were some letters that were actually
13 given to Shannon that Mrs. O'Connor wrote to her?

14 A Yes.

15 Q I'm going to hand you what's been marked as Defense
16 Exhibit O-25 and ask if you can identify those documents.

17 A Would you like me to read each of them?

18 Q I'm just asking if you can identify them.

19 A As a generalization, yes. Yes. These are letters
20 that Linda had sent to Shannon.

21 MISS PEEBLES: At this time, your Honor, I'd
22 like to offer Defendant's Exhibit O-25 into evidence.

23 MR. LOVRIC: I have no objection.

24 MR. FISCHER: No objection.

25 THE COURT: Receive Defendant's O-25 in

1 evidence.

2 BY MISS PEEBLES:

3 Q I'm not going to read all of these letters that we
4 introduced into evidence but I'm going to read a couple of
5 them and ask if -- "Shannon, Mommy wishes she could be there
6 to comfort you, but you know I'm always here to talk to. I
7 will pray for you as well. Here are pictures you asked for
8 as well as your YMCA card and jacket. Hey, there, the angels
9 are in between the stars and keeping you safe and protecting
10 you. Don't forget it. Roses on your pillows. Love you,
11 Noodles. Mom."

12 Now you had sent a letter at one point to Mrs.
13 O'Connor instructing her not to refer to herself as Mommy, do
14 you remember that?

15 A That recommendation was made.

16 Q Yes. And you sent her a letter in that regard and
17 you told her Shannon's too old, don't refer to yourself as
18 Mommy, in sum and substance?

19 A I believe it was in a letter, yes. That was based
20 on the fact that Shannon didn't refer to her as Mommy.

21 Q As far as you knew she didn't?

22 A Correct, in my contact with Shannon, yes.

23 Q But you don't know how she referred to Mrs.
24 O'Connor outside of your presence, is that fair?

25 A Correct.

Elizabeth Chesebro - Cross

1052

1 Q Now referring to Theresa Jones, within the first
2 week that Shannon O'Connor was residing at the Hamiltons,
3 Theresa Jones went over and had dinner at the Hamilton house
4 with Shannon, correct?

5 A With the whole family, yes.

6 Q And she had specific conversation with Shannon at
7 that time, is that correct?

8 A I can only tell you what Theresa Foster Jones
9 reported back to me.

10 Q And you wrote and put in your case notes, correct?

11 A Yes.

12 Q And in your case notes you indicate that there was
13 a conversation between Shannon and Theresa Jones?

14 A That Shannon had provided information, yes. I
15 don't know in what context that took place.

16 Q Now, Linda wasn't -- let's go to March 2, 2007 when
17 Shannon first discloses that she had sex with Dean Sacco.
18 Okay?

19 A Yes.

20 Q Do you understand? You went to the Hamiltons that
21 night and you interviewed Shannon O'Connor first?

22 A Yes.

23 Q Now, after that you take her down and she's
24 interviewed by Detective Blenis, correct?

25 A Yes.

Elizabeth Chesebro - Cross

1053

1 Q And there's a decision not to tell Mrs. O'Connor
2 about what Shannon said, is that correct?

3 A Based on the law enforcement investigation, yes.

4 Q But at some point Linda is told what Shannon has
5 said about Dean Sacco, correct?

6 A The police interviewed her, yeah.

7 Q You were present for the first interview, isn't
8 that correct?

9 A With Linda?

10 Q Were you at the police department with Detective
11 Blenis when she was being confronted about allowing her to
12 allow Shannon around Dean Sacco unsupervised?

13 A No, I was not.

14 Q After Linda was told, you had a conversation with
15 Linda about the sex abuse and between Dean Sacco and Shannon
16 O'Connor, correct?

17 A Yes.

18 Q And in fact, at one point Linda wanted Shannon to
19 know that she was probably going to be going to jail for the
20 Pizza Hut incident and the corridor incident, is that
21 correct?

22 A Yes.

23 Q And you didn't want to tell Shannon at that point,
24 is that correct?

25 A Based on the information I had at the time, yes.

Elizabeth Chesebro - Cross

1054

1 Q My question is: You didn't -- you made a decision
2 and you didn't want to tell Shannon that her mom might be
3 going to jail at that point, correct?

4 A Linda didn't know for sure she was going to jail at
5 that point. I didn't feel it was necessary for Shannon to
6 assume her mom was going to jail until that was a sure fact.

7 Q What you told Linda is because Linda was concerned
8 that Shannon was going to be upset if she wasn't told that
9 her mom was going to jail, is that fair to say?

10 A Yes.

11 Q In fact, what you told Linda is that Shannon would
12 be mad at her for not following the court order, do you
13 remember that?

14 A M-m h-m-m.

15 Q And then you further told her that it was her fault
16 that Shannon was sexually abused, correct?

17 A Are you reading that as a quote or just an overall
18 summarization?

19 Q Do you need to refer to your case notes?

20 A Yes. That would be great. Do you have a specific
21 date you're looking at?

22 Q You had an entry of March 6 on there. Entry date
23 was September 25.

24 A Okay. Can you repeat the question for me.

25 Q You told Linda it was her fault that Shannon was

1 sexually abused?

2 A I don't see where it says that I told her that it
3 was her fault, but by not following the court order, Linda
4 allowed the abuse to continue.

5 Q Well, in other words, you made Linda feel as though
6 it was her fault that Shannon had been sexually abused during
7 that conversation with her, correct?

8 A It's possible she felt that way.

9 Q But you basically told her had she followed the
10 court order, it never would have happened, correct?

11 A It never would have continued happening.

12 Q Now, at that point in time when there was a court
13 order issued in November, it was handed down on October 11
14 but was executed in November, there was no indication that
15 there was any type of sex abuse allegations, is that correct?

16 A Correct.

17 Q In fact, you weren't concerned about sex abuse
18 allegations at that point in time, is that correct?

19 A I had no information to say there were sex abuse
20 allegations.

21 Q Well, that's correct, and you never even followed
22 up to find out whether Dean Sacco was anywhere near the
23 property, is that fair to say?

24 A I had conversations of whether they had seen him
25 around but there was no extensive locating him or asking all

1 sorts of people.

2 Q Did you ever specifically ask Linda O'Connor
3 whether she allowed Shannon to be around Dean Sacco
4 unsupervised?

5 A Yes.

6 Q Did you ever ask her that?

7 A Yes.

8 Q Did you ask her that when you were down at the
9 police station with Detective Blenis? Is that when you asked
10 her?

11 A I was not with him when he interviewed her about
12 that. That first interview I was not present for.

13 Q After that, after Shannon is in with the Hamiltons,
14 any phone contact between Mrs. O'Connor and Shannon is
15 monitored, is that fair to say?

16 A No, not all contact was.

17 Q Well, it was supposed to be at certain points,
18 correct?

19 A Yes, at certain points.

20 Q In fact, Kim Hamilton, the foster mother, was
21 listening in on many of the phone conversations, is that fair
22 to say?

23 A She was monitoring.

24 Q And at one point she voiced concerns to you
25 regarding Shannon being very manipulative and not telling the

Elizabeth Chesebro - Cross

1057

1 truth, do you recall that?

2 A I do.

3 Q In fact, she was concerned because Shannon had lied
4 to her mom during that course of that phone conversation,
5 correct?

6 A Yes.

7 Q Linda was not permitted to speak to Shannon about
8 any of the sex abuse allegations that she had made against
9 Dean Sacco, is that correct?

10 A Yes.

11 Q In fact, on March 7 Shannon was taken to a home
12 visit to see her mother, 2006, do you remember that?

13 A March 7, 2006 we weren't involved with the family.

14 Q I'm sorry. 2007.

15 A Yes. There was a supervised visit that day.

16 Q And in fact, before the visit you told Shannon,
17 hey, if you're uncomfortable and don't want to be there, just
18 tell the parent aide and we'll cut the visit short. Didn't
19 you tell her that?

20 A Yes. That's an option that's given to many of our
21 foster kids.

22 Q Shannon was voicing concerns about her mother's
23 diet and whether she was eating healthy or not, is that
24 correct?

25 A Yes.

Elizabeth Chesebro - Cross

1058

1 Q After that visit Linda had to ask permission as to
2 whether she could put together an Easter basket for Shannon,
3 is that correct?

4 A Yes.

5 Q You had to approve anything she put in a basket in
6 order to decide whether or not to give it to Shannon, is that
7 correct?

8 A Yes.

9 Q Now at some point you speak to Lydia Smith, Mrs.
10 O'Connor's counselor, after Linda finds out about what
11 happened to Shannon, correct?

12 A I would assume I spoke to her at some time after
13 that, yes.

14 Q Well, didn't Mrs. Smith tell you that Mrs. O'Connor
15 was shaken and visibly upset by finding out what had happened
16 to Shannon?

17 A I don't recall. Is there a specific date that you
18 were referencing?

19 Q In your case notes, is it your testimony that you
20 don't recall that?

21 A It's very possible that that was reported to me.

22 Q But it wasn't of any concern or significance to you
23 about Linda's reaction when she found out about that, is that
24 fair to say?

25 A I don't know that -- can you repeat that for me one

1 more time.

2 Q You weren't concerned about Linda's reaction when
3 she was told what had happened to her daughter, is that fair
4 to say?

5 A I don't think that's fair to say. Took note of it
6 that that was the case, if it's from my case notes.

7 Q But sitting here today you don't have a
8 recollection about how Mrs. O'Connor reacted when she found
9 out?

10 A There's no way I can remember everything about all
11 my cases.

12 Q Well, were you still involved in providing services
13 for Mrs. O'Connor during that time period?

14 A Yes.

15 Q Because at some point you told Lydia Smith not to
16 discuss anything regarding the sex abuse between Shannon and
17 Dean Sacco, you instructed her counselor about that, isn't
18 that true?

19 A I believe that was prior to the police talking to
20 Linda about the sex abuse and violating the court order.
21 That was so the legal or the law enforcement investigation
22 wasn't compromised.

23 Q But you were the case coordinator at that point, is
24 that fair to say?

25 A Yes.

Elizabeth Chesebro - Cross

1060

1 Q You were communicating between all agencies and
2 everyone in the family, correct?

3 A Yes.

4 Q In fact, you had conversations with Walter Burkett
5 Jr., correct?

6 A Yep.

7 Q And you questioned him about whether he had ever
8 been sexually abused, correct?

9 A Yes.

10 Q And he denied ever being sexually abused?

11 MR. LOVRIC: Objection.

12 THE COURT: Sustained.

13 Q And on March 13 you drove Shannon to Family Court
14 for the amended neglect petition, do you recall that?

15 A Yes.

16 Q And you're the one that filed the petition?

17 A The amended petition, yes.

18 Q And you set forth all the allegations, is that
19 correct?

20 A There were allegations included from the original
21 neglect, but I added the additional ones.

22 Q And prior to court you sat out and talked to
23 Shannon, correct?

24 A Yes.

25 Q And at that court appearance you were asking the

Elizabeth Chesebro - Cross

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1 judge to have Mrs. O'Connor have a payee rep of some sort,
2 correct?

3 A Yes, a representative payee.

4 Q In order to help her with her finances, is that
5 correct?

6 A Yes.

7 Q Now at some point you're communicating with Mrs.
8 O'Connor's counselor and a psychiatrist that had done an
9 evaluation, is that correct?

10 A I don't believe at that point she had a
11 psychiatrist evaluation.

12 Q Well, at some point during your involvement with
13 Mrs. O'Connor you had a conversation with a psychiatrist, is
14 that correct?

15 A Yes.

16 Q And in fact, you learned that Mrs. O'Connor was
17 intellectually limited; he told you that, correct?

18 A Yes.

19 Q And you were concerned that Mrs. O'Connor wouldn't
20 have the ability to change even if she wanted to, is that
21 correct?

22 A Correct.

23 Q In fact, that was a general -- the general
24 consensus among the case workers and the providers, the
25 mental health providers, is that fair to say?

Elizabeth Chesebro - Cross

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1 A Yes.

2 Q And that information had been communicated to
3 Shannon, is that correct?

4 A I don't feel that's fair to say. What was
5 communicated to Shannon was that although people -- although
6 we try to help people change and we offer them services to
7 change, they're not always able or willing to change.

8 Q But your statement to Shannon was, you can lead a
9 horse to water but you can't make them drink. Do you
10 remember saying that?

11 A Correct.

12 Q In fact, you said that numerous times to Shannon?

13 A I did say that to her.

14 Q In fact, what that statement says, hey, we've
15 tried, she just doesn't want our help. That's what that
16 says, correct?

17 A That's your interpretation of it.

18 Q Well, is that your interpretation?

19 A No. I was giving Shannon that statement, just an
20 idea for her to kind of summarize that we can offer things to
21 her mom, we can try to assist her in any way we can, but we
22 cannot force people to do things.

23 Q Well, yeah. We've put it all out there for her but
24 she's just not willing to take advantage of it; that's what
25 you're saying to her, correct?

Elizabeth Chesebro - Cross

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1 A Or able to. Whatever your interpretation of that
2 is.

3 Q The judge denied your request to have her have a
4 payee rep, is that correct?

5 A Yes, he did.

6 Q And on March 14 you told Linda that if she feels
7 she needs to tell Shannon something, she can call you first
8 to get approval. Do you remember making a note of that?

9 A Yes, I do.

10 Q Otherwise you said Shannon will call her when she
11 wants to, is that correct?

12 A Yes. That was based on Shannon being disrupted by
13 phone calls.

14 Q Now, there was a time in May, right around Mother's
15 Day, when Shannon was not permitted to make phone calls to
16 Mrs. O'Connor, her mother, do you remember that?

17 A I don't recall if she wasn't permitted at that time
18 or if they were to be supervised at that time.

19 Q She wasn't allowed to just call her mom if she
20 wanted to?

21 A She couldn't pick up the phone and call. I don't
22 believe at that time that was a possibility.

23 Q But she did sneak a phone call, correct?

24 A Yes.

25 Q She snuck her cellphone and called her mother on

1 Mother's Day?

2 A Yes.

3 Q She was chastised for doing that, wasn't she?

4 A She was chastised for going about it the wrong way,
5 for not asking permission, for not saying that's what she
6 wanted to do when she knew the rules that were expected of
7 her mom to follow by.

8 Q Well, she also wanted her mother to go to one of
9 her track meets, do you remember that, in June, when she was
10 with the Hamiltons?

11 A Yes.

12 Q In fact, when her mother didn't show up, she was
13 very upset by that, correct?

14 A Correct.

15 Q And you told Shannon, hey, your mom wasn't allowed
16 to go to track meet because we told her she couldn't,
17 correct?

18 A Yes. There wasn't anyone available at the
19 department to supervise that day.

20 Q In fact, when you talked to Shannon about having
21 her phone called supervised, you said -- and this was on a
22 car ride from school -- you told her that, I'm concerned that
23 your mom will try and make you feel guilty and talk about
24 things that she shouldn't so Kim will be listening in on any
25 phone calls she makes. Correct?

Elizabeth Chesebro - Cross

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1 A I'm assuming you're reading it right from my
2 documents, yes.

3 Q Does that sound familiar?

4 A That sounds familiar, yes.

5 Q Shannon told you she missed her mom and she missed
6 her dogs, correct?

7 A Yes.

8 Q In fact, Kim Hamilton voiced a concern to you that
9 Shannon thought you were her best friend, didn't she?

10 A Yes.

11 Q Throughout your involvement with Shannon O'Connor,
12 she's made many phone calls to you, is that fair to say?

13 A Yes.

14 Q And some of those phone calls, she was desperate in
15 wanting to see you, is that fair to say?

16 A Yes.

17 Q In fact, on November 6 when she was in the
18 psychiatric hospital, she -- she had called you and wanted
19 you to go and visit her that next day, do you remember that?

20 A Yes.

21 Q And you had to explain to her that you had some
22 family obligations and you had been out of the office and you
23 couldn't see her, do you remember that?

24 A M-m h-m-m.

25 Q And as a result, she was disappointed when she hung

1 up the phone, correct?

2 A I believe I made note of that.

3 Q And in fact, less than two hours later is when she
4 ties a shoelace around her neck in a suicidal gesture, is
5 that fair to say?

6 A She did do that.

7 Q And that was about two hours after the phone call
8 with you?

9 A It was the same evening.

10 Q In fact, everybody around her, including the
11 counselors, were shocked by that, by that revelation, is that
12 fair to say?

13 A What revelation?

14 Q That she tried to put a shoelace around her neck at
15 that point?

16 A There were staff members at the hospital that were
17 surprised by that, yeah.

18 Q As a result of that gesture, she got a lot of extra
19 attention that next day by Lisa Florance-Diaz, didn't she?

20 A They had to process everything with her and find
21 out exactly what was going on and why she was doing the
22 things she was doing.

23 Q Well, was she out playing games, laughing and
24 running around that very next day with Lisa Florance-Diaz.
25 Did you make note of that?

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1 A I believe she was outside with a group. It was rec
2 time or lunchtime or what.

3 Q But Shannon was very happy with that extra contact
4 with Mrs. Florance-Diaz? Is that reflected in your notes?

5 A For a child that has no one else to pay attention
6 to her, I would say yes.

7 Q Now, I want to talk with you about Shannon when she
8 ran away from the Hamiltons on April 17. Do you recall that?

9 A Yes, I do.

10 Q She took off with Mandy and they ran away to a
11 bowling alley, is that fair to say?

12 A Yes.

13 Q Mandy was one of the foster children that was
14 living with the Hamiltons?

15 A She's not a foster.

16 Q She was adopted?

17 A Yes.

18 Q So Shannon became kind of close with Mandy while
19 she was living at the Hamiltons, is that fair to say?

20 A Yes.

21 Q Particularly in the beginning when she moved in?

22 A I would say more so then.

23 Q She was a couple years older than Shannon?

24 A Yes.

25 Q And at some point the police are called and they

Elizabeth Chesebro - Cross

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1 actually have to run her down and tackle her -- Shannon, that
2 is, is that correct?

3 A I don't know if they tackled her. I believe they
4 grabbed her arm, something similar to that.

5 Q And at that point Shannon told you that the only
6 reason she did it is because she was following Mandy, is that
7 correct?

8 A Yeah.

9 Q In fact, you became aware that Mandy Hamilton had
10 accused somebody of raping her, do you remember that?

11 MR. LOVRIC: Objection.

12 THE COURT: Sustained.

13 MISS PEEBLES: It's not offered for the truth
14 of the matter, your Honor. It was simply a statement that
15 was made.

16 THE COURT: You're offering it to show
17 Shannon's state of mind? I'm sorry. I couldn't hear. Go to
18 side-bar.

19 MISS PEEBLES: Yes.

20 (At the bench)

21 THE COURT: You said you're not offering it
22 for the truth?

23 MISS PEEBLES: Right. She said she was raped
24 by somebody but it was later determined to be false. It was
25 just the fact that it was -- Shannon had knowledge about it

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1 and she knew she had knowledge about it.

2 THE COURT: So it is to show state of mind.

3 MISS PEEBLES: Shannon's state of mind. I
4 thought you meant Linda's state of mind.

5 MR. FISCHER: The effect upon the listener.

6 THE COURT: Yeah. That's an appropriate --

7 MR. LOVRIC: The listener isn't on the stand.
8 The listener is Shannon. This is hearsay because they're
9 trying to say because Shannon heard this from Mandy, it put
10 some kind of thought into Shannon's mind, but it's being
11 asked of this witness who wasn't present, so it is hearsay.

12 THE COURT: But if it's offered not for the
13 truth of the matter asserted, it's not by rule hearsay, isn't
14 that right?

15 MR. LOVRIC: But as to this witness.

16 THE COURT: As to any witness.

17 MR. LOVRIC: She has no knowledge of this
18 statement other than what somebody told her.

19 THE COURT: Right. But it's not offered for
20 the truth; it's being offered to show Shannon's state of
21 mind, isn't it?

22 MR. LOVRIC: Not really, Judge. I think
23 that's just a smoke screen. It's being offered for the fact
24 to show this statement.

25 THE COURT: That may be true, but that's not

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1 the inquiry that the Court goes through. It's a question of
2 what the Rules of Evidence permit or don't permit.

3 MR. LOVRIC: It's one thing if Shannon was on
4 the stand. Then the argument was, what was the effect on
5 Shannon or Shannon's state of mind. But this is being asked
6 of this witness, not Shannon. This witness may know that the
7 statement was said, but asking this witness --

8 THE COURT: Well, Shannon is going to be on
9 the stand, is she not?

10 MR. LOVRIC: Yeah, but she's not yet. This
11 witness is being offered --

12 THE COURT: You want me to suspend her
13 testimony and then we call her back later?

14 MR. LOVRIC: No. I think this question is
15 more appropriate for Shannon, if they ask Shannon.

16 THE COURT: She's choosing to ask this
17 witness.

18 MR. LOVRIC: She can ask Lyons this. It would
19 be hearsay.

20 THE COURT: It would be, but it's not being
21 offered for the truth of the matter asserted so by
22 definition, it's not hearsay.

23 MISS PEEBLES: She was using information to
24 calculate her treatment recommendations. This is in her case
25 notes and part of the file. It isn't offered for the truth

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1 of the matter.

2 MR. LOVRIC: Sure it is.

3 MISS PEEBLES: Okay.

4 THE COURT: It's coming in.

5 MR. LOVRIC: Sure it is.

6 (In open court)

7 THE COURT: Once again, ladies and gentlemen,
8 this statement is not being offered for the truth of the
9 statement. It's being offered for what effect it had on this
10 witness or any other person who might have heard that
11 statement.

12 BY MISS PEEBLES:

13 Q You can answer the question.

14 A I need it repeated for me.

15 Q You became aware that Mandy had made allegations
16 about being raped, correct?

17 A Yes.

18 Q In fact, you learned that those allegations were
19 not true, correct?

20 A Correct.

21 Q Now Shannon graduated from the sixth grade in June
22 of 2007, correct?

23 A Yes.

24 Q And the only way Linda, Mrs. O'Connor, was going to
25 be able to attend was if she were supervised, is that

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1 correct?

2 A Yes.

3 Q And Mrs. O'Connor did go to Shannon's graduation,
4 correct?

5 A Yes.

6 Q She was allowed to take pictures and photographs,
7 correct?

8 A Yes.

9 Q And on June 15 Shannon was asking you whether her
10 mom was going to go to jail, do you recall that?

11 A Yes.

12 Q And you weren't permitting Linda to talk about that
13 at that point, is that correct?

14 A No. I believe that at that point in time Linda had
15 a court appearance for sentencing so it was being allowed in
16 supervised phone calls to be talked about.

17 Q Well, on June 27 you actually met with Shannon and
18 she was actually inquiring about whether her mom was going to
19 go to jail, do you recall that?

20 A Yes.

21 Q In fact, you told her that her mom hadn't called,
22 isn't that what you said?

23 A Yes.

24 Q And Shannon couldn't understand what was wrong with
25 her mother, why she wasn't letting her know this, is that

Elizabeth Chesebro - Cross

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1 correct?

2 A She was frustrated at that point, I believe.

3 Q But you never told her that her mom wanted to talk
4 to her about it, is that fair to say?

5 A I don't recall that at that time Linda and I had
6 talked about it either. There was a previous incident quite
7 some time before that when Linda wanted to tell Shannon she
8 was going to jail, but that was before she was sentenced.

9 Q Linda had a pretty good indication she was going to
10 wind up going to jail, isn't that fair to say?

11 A Yes.

12 Q And you took her on a home visit to see her mom
13 right before she was going to go into jail several days
14 before, is that correct?

15 A Yes.

16 Q And you were going to make arrangements for Shannon
17 to visit with her mother in jail but you needed to get a
18 birth certificate, is that correct?

19 A Linda needed to get the birth certificate, yes.

20 Q And Linda said she was going to make arrangements
21 to in fact do that, to get the birth certificate?

22 A Yes.

23 Q And Linda did make steps and did obtain her birth
24 certificate, correct?

25 A Yes. It was sent to the agency.

1 Q But Shannon was never permitted to visit with her
2 mother while she was in jail, is that correct?

3 A Correct. Once we did have the birth certificate,
4 her mental health counselors didn't think it would be a wise
5 choice for her.

6 Q But that wasn't Shannon's decision, is that
7 correct?

8 A Right.

9 Q And on July 10 of 2006 Shannon inquired about
10 visiting her mother, do you remember that?

11 A Yes.

12 Q And it was Shannon's belief at that point that her
13 mom didn't bother to get all the paperwork together, is that
14 correct?

15 A Yes.

16 Q And it was shortly after that, around July 12, that
17 Shannon stated she wanted her mother to sign off on her
18 parental rights, do you remember that?

19 A Yes, I do.

20 Q And on August 13 Shannon had given you a letter
21 that she wrote to her mother and in the letter she stated she
22 wanted to go home to her mom, do you remember that?

23 A Yes, I do.

24 Q And you were confused by that, correct?

25 A Yeah. That was different than other reports she'd

1 given me.

2 Q Because a month before she was saying she wanted to
3 be in foster care, is that fair to say?

4 A Yes.

5 Q In fact, what you told her was that her mom has
6 been making bad decisions for years and something like that
7 doesn't change quickly. Do you remember that?

8 A Yes.

9 Q And Shannon said she wanted her mom to at least
10 try, is that fair to say?

11 A Yes.

12 Q In the letter that she wrote to her mom on
13 August 14 she wanted to make sure her mom was serious about
14 changing, correct?

15 A Yes.

16 Q And you told her that sometimes it takes people a
17 very long time to make changes like her mom needs to do and
18 the person has to want to change. That's what you told her,
19 right?

20 A Yes.

21 Q And at that point she stated she wanted to actually
22 speak with her mother by phone, correct?

23 A Yes.

24 Q And on August 15 you supervised a phone call
25 between Shannon and her mother, correct?

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1 A Yes.

2 Q And Shannon stated to her mom that she would love
3 her even if she was saggy and wrinkly. Do you remember that?

4 A Yes.

5 Q On the same day you spoke with -- or you supervised
6 that phone conversation, you had a conversation with the
7 foster parent and you learned that Shannon was constantly
8 talking about wanting to remain in foster care, is that
9 correct?

10 A Yes.

11 Q And it was on August 20. Did you have a phone
12 conversation that you learned that Linda O'Connor was going
13 to be released from jail on October 11 of 2007, is that
14 correct?

15 A Yes, I did learn that.

16 Q And you had a phone conversation on August 27 with
17 Mrs. O'Connor and she explained to you that she was going to
18 be enrolling in an employment and life skills course while
19 she was incarcerated. Do you recall that course?

20 A Yes.

21 Q Shannon really wanted to see her mother on that
22 day. Do you recall that conversation?

23 A She asked when she could call her mother again.

24 Q And she felt very bad about her mother being in
25 jail, is that correct?

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1 A Yes.

2 Q And you told her, your mom made the choice to break
3 the court order and you had no control over that, that's what
4 you told her, correct?

5 A That I had no control over that.

6 Q That she had no control over it but you were --

7 A Yes. We were trying to have Shannon understand
8 there were consequences for breaking the law.

9 Q Now you had weekly contact and interaction with
10 Shannon throughout that summer of 2007, is that fair to say?

11 A Roughly, yeah.

12 Q Now it was on August 29 when you spoke to Shannon's
13 counselor, Mrs. Hartman, and you asked Mrs. Hartman whether
14 Shannon disclosed that her mother was prostituting her for
15 rent, do you remember that?

16 A That was a follow-up to Amanda Hartman telling me
17 that Shannon discussed knowing -- that Shannon discussed in
18 counseling that her mom knew what Dean was doing to her.

19 Q Shannon was of the belief that her mom knew and she
20 disclose that during the summer, during that time period of
21 2007, is that correct?

22 A Yes.

23 Q And then on August 29 you state that she did
24 disclose that her mother was prostituting her for rent; that
25 was your words, correct?

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1 A I'd like to just read it right from here. It's
2 very clear. It says, Shannon then told Amanda she thought it
3 was because they weren't able to pay the rent. In essence,
4 Shannon disclosed knowing her mom was prostituting her to pay
5 the rent.

6 Q Is it fair to say that repeatedly everyone was
7 asking Shannon why, why did this keep happening? Is that
8 fair to say?

9 A No, no.

10 Q No one ever asked her, why did you keep going up to
11 Mr. Sacco's apartment? No one ever asked her that?

12 A That was talked about when she was first
13 interviewed. That wasn't an ongoing question. She was
14 dealing with those things in therapy.

15 Q And you knew that Shannon had testified in front of
16 the grand jury in a case against Mr. Sacco in state court.
17 You knew that, right?

18 A Yes.

19 Q And at that point she's testifying and she's under
20 oath and they ask her, why didn't you tell your mother? And
21 she said because she was embarrassed and scared. You knew
22 that, right?

23 A I don't know the contents of her testimony.

24 Q Because you didn't care?

25 A I wasn't in the room. I was a possible witness or

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1 a possible someone that was to testify.

2 Q Did you care what she would say to that question?

3 A What was the question again?

4 Q Why didn't you tell your mother? Did you care?

5 A Of course.

6 Q How many times do you think you asked Shannon
7 O'Connor that question?

8 A I can't approximate that. I know it was asked
9 throughout the course of my conversation.

10 Q A dozen?

11 A I can't approximate it.

12 Q Now, did you bother to find out how Mrs. O'Connor
13 was paying the rent?

14 A There was a period of time where she was asked to
15 keep all of her receipts for one-month period at a time and
16 we were going through all of her receipts, and during that
17 time it was expected she was to keep her rent payments.

18 Q Did you know she had wire transferred Mr. Sacco
19 three months' worth of rent when they moved to Norwich on
20 August 1 of 2006? Did you know that?

21 A I knew in the beginning that she had sent him a
22 payment. The amount, I had no idea about.

23 Q Well, did you think that might be important when
24 you start throwing out accusations that she was prostituting
25 her daughter for rent?

Elizabeth Chesebro - Cross

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1 MR. LOVRIC: Objection.

2 THE COURT: Sustained.

3 Q On September 17 Shannon has a phone conversation
4 with her mother while her mother is still in jail and it's
5 monitored by you, do you recall that?

6 A Yes.

7 Q When she got off the phone she was very upset, i is
8 that fair to say?

9 A Yes.

10 Q In fact, she didn't think her mother was going to
11 change; that's what she told you, correct?

12 A Yes.

13 Q And she was convinced at that point that her mom
14 was going to choose Raymond O'Connor over her, correct?

15 A Yes.

16 Q And that's when she said she believed her mother
17 was going to run away and she'd never see her again, is that
18 correct?

19 A Yes.

20 Q And Shannon told you she thought her mother was
21 mentally ill, do you recall that?

22 A I do remember having conversation about that.

23 Q And again you told Shannon that her mother had many
24 years of issues to work through. Is that correct?

25 A Yes.

Elizabeth Chesebro - Cross

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1 Q And Shannon was very angry at her mother's lack of
2 progress at that point, is that correct?

3 A Yes.

4 Q And September 20 is the day she's taken to the
5 psychiatric hospital, and you were the case coordinator,
6 correct?

7 A I was the caseworker assigned.

8 Q Well, you were conveying information to Lisa
9 Florance-Diaz, is that correct?

10 A Yes.

11 Q You wanted to give her a whole history of what had
12 been taking place, is that correct?

13 A Whatever information she needed to coordinate
14 services for Shannon.

15 Q Well, that would be a full history of her
16 background, is that fair to say?

17 A As complete as the department had it.

18 Q Same holds true with her psychiatrist Michelle
19 Toth; you provided information to Dr. Toth, correct?

20 A I provided mainly to Dr. -- or, I'm sorry, Lisa
21 Florance-Diaz, who then disseminated information to the
22 appropriate people.

23 Q But you were having contact with these individuals?

24 A Yes. She was in the department's custody at that
25 time.

Elizabeth Chesebro - Cross

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1 Q And you had all sorts of team meetings --

2 A Correct.

3 Q -- while she was at the psychiatric hospital?

4 A Yeah.

5 Q Now I want to talk about the number of times that
6 Shannon was taken to the hospital while she was at the
7 psychiatric hospital. She was taken to the hospital on
8 several occasions while she was there, is that fair to say?

9 A Yes.

10 Q And each time she was taken to the hospital, they
11 couldn't figure out what was wrong with her, is that fair to
12 say?

13 A As a general rule, yes. There was no concrete
14 diagnosis for her abdominal pain.

15 Q Can you tell the jury how many times Shannon
16 O'Connor was taken to the hospital when she was at the
17 psychiatric hospital?

18 A I don't know the exact number. It was several
19 times.

20 Q Several meaning five or six?

21 A I would say at least that, yes.

22 Q More like ten probably, is that correct?

23 A From my recollection, between five and ten would be
24 a good approximation.

25 Q And every time she went, they couldn't figure out

Elizabeth Chesebro - Cross

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1 what was wrong with her, is that fair to say?

2 A She was diagnosed with kidney stone the one time.

3 Q And when she first arrived at the psychiatric
4 hospital she was out of control, running through the facility
5 and setting off alarms, do you remember that?

6 A No.

7 Q You didn't make notations of that on September 24
8 in your case notes?

9 A There was a time she woke up out of fear, she ran
10 out of her room at night and the alarm was set off.

11 Q She was also trying to kill herself at that point?

12 A She was hospitalized for suicidal ideations.

13 Q Was she trying to kill herself on September 24,
14 four days after she got to the hospital?

15 A That was the report I was given.

16 Q And it was on October 1 that Kim Hamilton had a
17 phone call with Shannon and after the phone conversation
18 Shannon had an outburst, is that fair to say?

19 A Yes.

20 Q That's where she was banging her head against the
21 wall and screaming and kicking, is that fair to say?

22 A Yes.

23 Q And that's when she had to be given stat
24 medication?

25 A Yes.

Elizabeth Chesebro - Cross

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1 Q Now, let's be clear: During this time period,
2 after September 20, Mrs. O'Connor had no contact with
3 Shannon, is that correct?

4 A Correct.

5 Q In fact, Mrs. O'Connor hasn't seen her daughter
6 since June 26 of 2007, almost a year, is that correct?

7 A Face-to-face contact, yes.

8 Q She actually hasn't had any contact since
9 September 20 of 2007?

10 A September 17 was the last contact, yes.

11 Q That's not because Shannon didn't want to have
12 contact with her mother, isn't that true?

13 A At times she did want contact.

14 Q Shannon had no idea what was going on with Mrs.
15 O'Connor, her mother, when she was at that psychiatric
16 hospital, is that fair to say?

17 A No. She would ask how her mom has been, if I had
18 seen her mom or talked to her mom, and I provided her just
19 brief up -- basic updates of, yes, I talked to your mom,
20 she's going to counseling, she's moved, general things like
21 that to kind of ease Shannon's mind, let her know her mom was
22 okay, to my knowledge.

23 Q Didn't you have a conversation with her on
24 October 24 when she asked, what's my mom been doing since
25 she's been home from jail? Do you remember that?

Elizabeth Chesebro - Cross

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1 A Yes.

2 Q And do you recall saying to her, not much? Do you
3 remember telling her that?

4 A Not much? I don't believe. I would like to look
5 at my note though.

6 I did note your reference.

7 Q That's what you said to her, correct?

8 A It was in the context of she asked what her mom has
9 done since being released from jail two weeks prior.

10 Q You said not much?

11 A Yes.

12 MISS PEEBLES: Judge, would this be an
13 appropriate place to take a break?

14 THE COURT: I think so.

15 Okay, ladies and gentlemen. We'll take a
16 break.

17 MISS PEEBLES: Thank you.

18 (Jury excused)

19 (Jury present)

20 THE COURT: Miss Peebles.

21 BY MISS PEEBLES:

22 Q Miss Chesebro, I'm going to hand you what's been
23 marked as Defendant's Exhibit O-29 and ask if you can
24 identify that document.

25 A Yes, this is a letter I wrote to Linda.

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1 MISS PEEBLES: Your Honor, I'd like to offer
2 Defendant's Exhibit O-29 into evidence.

3 MR. LOVRIC: No objection.

4 MR. FISCHER: No objection.

5 THE COURT: Receive Defendant's O-29 in
6 evidence.

7 BY MISS PEEBLES:

8 Q Mrs. Chesebro, this is a letter where you were
9 telling Linda what would be appropriate to put in letters
10 that she sent to Shannon, is that a fair description of
11 what's contained in Defense Exhibit O-29?

12 A Yes.

13 Q And in fact, this is a letter where you're saying
14 she shouldn't refer to herself as Mommy because you've never
15 heard Shannon call her that, is that correct?

16 A It was just a suggestion I made.

17 Q I'm going to hand you what's been marked as
18 Defendant's Exhibit O-28 and ask if you can identify this
19 document.

20 A This is another letter I wrote to Linda.

21 MISS PEEBLES: I'd like to offer Defense
22 Exhibit O-28 into evidence.

23 MR. LOVRIC: No objection.

24 THE COURT: Receive Defendant's O-28 in
25 evidence.

Elizabeth Chesebro - Cross

1087

1 Q Miss Chesebro, this is in essence a letter to Linda
2 explaining that Shannon won't be visiting her at the jail, is
3 that fair?

4 A Yes.

5 Q Now, on November 7 you had been speaking with Mrs.
6 O'Connor's psychiatrist. Do you recall a conversation with
7 her psychiatrist around that time?

8 A November 7 is the date you gave?

9 Q Correct. That was the day after the shoelace
10 incident with Shannon.

11 A Yes.

12 Q You recall having a conversation with a
13 psychiatrist?

14 A Yes.

15 Q It's at that point you learn that Linda didn't have
16 a sense of what's going on?

17 A As reported to me by the doctor.

18 Q Yes. As was put into your case notes, correct?

19 A Yes.

20 Q Now on November 14 you went down to the police
21 station with Detective Blenis and that's where you had an
22 interrogation of Mrs. O'Connor. Do you recall that?

23 A I was present when issues were discussed.

24 Q Issues concerning Mrs. O'Connor allowing Shannon
25 around Dean Sacco unsupervised, correct?

Elizabeth Chesebro - Cross

1088

1 A That was part of what was discussed, yes.

2 Q And the recent allegations that Shannon had made on
3 October 29, correct?

4 A I don't recall the actual allegations were
5 addressed, but questions were asked to try and see if there
6 was a camera involved that Linda was aware of or knew the
7 whereabouts of.

8 Q And you were asking Mrs. O'Connor questions during
9 that interrogation, is that fair to say?

10 A Yes.

11 Q And in fact, after that interrogation you reported
12 back to Lisa Florance-Diaz; you said Linda didn't provide any
13 incriminating information at that point, is that what you
14 said? That would be November 16.

15 A Yes. That was what I recorded back to her.

16 Q And November 16 you spoke with David Flynn, who at
17 that time was counseling Mrs. O'Connor, do you recall that?

18 A Yes.

19 Q And he -- and you learned at that point that he was
20 recommending again parenting classes, correct?

21 A Yes.

22 Q And that Linda was very cooperative?

23 A His assessment of her, yes.

24 Q And she was willing to change, correct?

25 A Yes.

Elizabeth Chesebro - Cross

1089

1 Q And you conveyed to him Shannon's allegations about
2 Mrs. O'Connor on that day, is that correct?

3 A Yes.

4 Q On November 30, Shannon began acting out at the
5 psychiatric hospital?

6 A Yes.

7 Q You were asked about that?

8 A Yes.

9 Q And she was running through the facility banging
10 her head against the wall, is that fair to say?

11 A Yes.

12 Q It was on December 4 that you began to make
13 arrangements with Detective Blenis and set up another
14 videotaped interview of Shannon, is that correct?

15 A Yes.

16 Q And after that interview, you took her outside and
17 you gave her a pair of pants?

18 A I believe that was the day I gave her the winter
19 clothing or the outdoor apparel that the department had
20 purchased for her.

21 Q You gave her a hat?

22 A Yes.

23 Q Gloves?

24 A Yes.

25 Q And a jacket?

Elizabeth Chesebro - Cross

1090

1 A Yes. Snow pants and boots as well.

2 Q And the very next -- or on that date is when you
3 filed your intake report concerning the allegations that
4 Shannon was making during the course of that videotaped
5 interview, is that correct?

6 A I don't understand your question.

7 Q Did you file a Child Protective Services report?

8 A No, I did not. I was assigned a report.

9 Q Was there a report generated?

10 A Yes.

11 Q Had you seen the report?

12 A Yes.

13 Q Were you responsible for providing the information
14 that was contained in the report?

15 A No.

16 Q You didn't give any information about what was
17 contained in the report?

18 A The information I received on the child protective
19 report came from the source.

20 Q Did Shannon call Child Protective Services?

21 A No.

22 Q You called Child Protective Services?

23 A No, I did not.

24 Q Who gave the information to Child Protective
25 Services?

1 A The source of the report is always confidential.

2 Q I'm going to hand you what's been marked as Defense
3 Exhibit O-30 and ask if you've ever seen this before.

4 A Yes.

5 Q This was the first child protective report that was
6 filed in March, correct?

7 A In March, yes.

8 Q And there were two subsequent child protective
9 reports that were filed after that, is that correct?

10 A Yes.

11 Q And as a result of that report, the Family Court
12 petition was yet again amended and it became an abuse
13 petition, is that correct?

14 A No. An abuse petition was not filed.

15 Q It remained a neglect petition?

16 A We -- at that point we already had a neglect
17 adjudication and there was a petition pending in front of the
18 Family Court.

19 Q And now on December 5 --

20 A I do stand corrected. We're talking about March of
21 '07 or '08?

22 Q March of '08.

23 A In March of '08 we had the neglect adjudication and
24 there was nothing pending at that time.

25 Q On December 5 Linda had been trying to get ahold of

1 you, is that correct?

2 A Yes.

3 Q And she was trying to call and find out about
4 Shannon, correct?

5 A Yes.

6 Q She tried to call on December 4, correct?

7 A Yes.

8 Q And December 5, correct?

9 A Yes.

10 Q And December 7?

11 A Yes.

12 Q And you didn't call her back until December 10?

13 A Yes.

14 Q And December 7 Shannon was taken to the hospital
15 again, right?

16 A Yes.

17 Q And she was in the hospital for four days. She was
18 released on the 11th of December, correct?

19 A Yes.

20 Q And all tests at that point were inconclusive?

21 A Yes.

22 Q And you were aware that Linda wanted to see Shannon
23 at that point, correct?

24 A I don't recall that she necessarily wanted to see
25 her. She did leave a message that she missed Shannon.

Elizabeth Chesebro - Cross

1093

1 Q But that wouldn't be an indication to you that
2 she'd want to see her?

3 A That's very possible. I can't assume that, though,
4 based on her message.

5 Q Now when Shannon was first brought to the
6 psychiatric hospital, they did an intake evaluation, do you
7 recall that?

8 A I wasn't present for that.

9 Q Well, were you aware that they asked her whether
10 she had any auditory or visual hallucinations; they
11 specifically asked her that question, are you aware of that?

12 A That's a typical question at intake.

13 Q At that point she said no, correct?

14 A To my knowledge.

15 Q Now it's not until December 24 that she comes up
16 with she's having auditory and visual hallucinations, is that
17 correct?

18 A That was when I was made aware that she was
19 reporting that.

20 Q Now, on December 25, Christmas Day, you call
21 Shannon, is that correct?

22 A Yes.

23 Q And Linda wasn't allowed to call Shannon Christmas
24 Day, correct?

25 A Correct. Her therapist did not want her having

Elizabeth Chesebro - Cross

1094

1 contact at that point.

2 Q And you gave Shannon a Christmas card, correct?

3 A I don't recall. I believe it was one that various
4 people in the office had sent, which is very typical of other
5 caseworkers and parent aides to send foster children birthday
6 cards, Christmas cards.

7 Q You gave her a birthday card?

8 A Yes.

9 Q In fact, you took her out for her birthday on
10 December 27?

11 A Yes, I did.

12 Q You took her to the Oakdale Mall, correct?

13 A Yes.

14 Q In fact, Oakdale Mall is a place Linda used to take
15 Shannon all the time, right across from the Best Western.

16 A Correct.

17 Q Shannon wanted to go look at the puppies when they
18 were at the Oakdale Mall, do you remember that?

19 A I don't recall that.

20 Q Shannon never mentioned she likes to go to the pet
21 store and look at the puppies?

22 A She mentioned that before. I don't recall she
23 asked to go there.

24 Q And she's at the Oakdale Mall shopping with you and
25 she's having a great time, correct?

Elizabeth Chesebro - Cross

1095

1 A Yes.

2 Q In fact, when you dropped her off, that was the
3 happiest she had been in a while, is that correct?

4 A Yes.

5 Q Nothing about the Oakdale Mall that stressed her
6 out that day, correct?

7 A Not to my knowledge.

8 Q On December 31 you tell Linda that she's made no
9 progress since Shannon was placed in foster care. Do you
10 recall telling her that?

11 A I don't recall that I said she made no progress.
12 But I believe I would have said she hadn't made significant
13 progress.

14 Q Why don't we look at your notes.

15 A Okay.

16 Q You said there was lack of progress, correct?

17 A Yes.

18 Q And you told her she was not able to care for
19 Shannon?

20 A I told her at that time it did not appear that she
21 was able to.

22 Q You never told her that Shannon missed her,
23 correct?

24 A Not at that time I did not.

25 Q You never told her Shannon loved her, correct?

Elizabeth Chesebro - Cross

1096

1 A At that time I did not.

2 Q Rather, you told her Shannon should be adopted;
3 that's what you told her on December 31, correct?

4 A I recall telling her that that was what Shannon
5 wanted at that point in time.

6 Q You never told Mrs. O'Connor that Shannon was
7 asking about her, isn't that true?

8 A No. That's not true. There were times that I did
9 tell her Shannon had asked about her.

10 Q Linda was crying during that visit, wasn't she?

11 A We're still talking about the December 31?

12 Q December 31.

13 A Yes.

14 Q She was very upset, correct?

15 A Yes.

16 Q And she told you she would never sign off on
17 Shannon's -- on her parental rights, is that correct?

18 A Yes.

19 Q In fact, at that point -- Mrs. O'Connor felt that
20 her life had been ruined, isn't that true?

21 A She did tell me that.

22 Q On January 2, Shannon was taken to the hospital
23 again, do you recall that?

24 A I believe I recall what you're talking about.

25 Q I'm sorry. I didn't hear you.

Elizabeth Chesebro - Cross

1097

1 A I believe I recall what you're talking about.

2 Q And you spoke to Linda about that, do you remember
3 that?

4 A Yes.

5 Q And Linda was really weepy on the phone when you
6 were talking to her, correct?

7 A Yes.

8 Q And she said she really missed Shannon, correct?

9 A Yes.

10 Q On January 12 you went and you had a visit with
11 Shannon, do you remember that, at the psychiatric hospital?

12 A Yes, I do recall that.

13 Q And you brought her McDonald's?

14 A Yes.

15 Q And you told Shannon that you hadn't heard from her
16 mother in a couple of weeks; do you recall telling her that?

17 A She asked her -- she asked about her mom, and I
18 told her that I hadn't spoken with her in a couple of weeks.

19 Q You never told her that her mom was crying and
20 saying she would never sign off on her parental rights, is
21 that right?

22 A I didn't feel that was in her best interest to
23 know.

24 Q You didn't tell her that her mom missed her,
25 correct?

Elizabeth Chesebro - Cross

1098

1 A On that day I did not.

2 Q You never told her that her mom loved her, correct?

3 A On that day I did not.

4 Q Shannon was concerned about her mom on that day, on
5 January 12, wasn't she?

6 A Yes.

7 Q She wanted to know why she had not checked in with
8 her, meaning you? She had said, isn't my mom supposed to
9 check in with you, correct?

10 A Yes.

11 Q In fact, Shannon got the impression after that
12 conversation that her mother just did not care, isn't that
13 fair to say?

14 A I don't think that's fair to say.

15 Q You were actually involved or keeping up to date
16 with whether or not Detective Blenis had gotten any Best
17 Western hotel receipts, do you remember that?

18 A I do recall that I was checking on the status of
19 the investigation, yes.

20 Q And you reported in your case notes that the Best
21 Western records were from 2004/2005, correct?

22 A That was per a phone call from Pat Blenis, yes.

23 Q And you learned that there were no calls relative
24 to the hotel?

25 A From what he told me, that there were no calls

1 recorded.

2 Q And you noted that there were no guests, correct?

3 A From what he told me.

4 Q On January 24 you speak to Linda, do you recall
5 that?

6 A Yes, I do.

7 Q And you told Linda that Shannon hadn't asked about
8 Linda the last time you saw Shannon, is that correct?

9 A Yes, I did.

10 Q That wasn't true, was it?

11 A To my recollection that would be true.

12 Q Well, you never told her about the conversation
13 that you had with her on January 12?

14 A It appears that my records state that the last time
15 I spoke with Shannon she hadn't asked about her; not
16 necessarily in the recent past.

17 Q But you never told Mrs. O'Connor that Shannon was
18 asking about her and crying about her when you talked to
19 Shannon about a week earlier, is that correct, January 12?

20 A I don't recall that I did share that.

21 Q On January 24 you also spoke to Shannon; that same
22 day you spoke to Shannon, do you remember that?

23 A Yes.

24 Q And she asked about her mother again and she said
25 she missed her mother, correct?

Elizabeth Chesebro - Cross

1100

1 A I recall that she asked about her mom -- oh, yeah,
2 she did say she still misses her mom.

3 Q You never told her that you talked to her mom that
4 day, correct?

5 A Not -- I'm not obligated to share every time I
6 speak with a parent.

7 Q On January 27, three days later, you spoke with
8 Shannon again, correct?

9 A Yes.

10 Q And you still hadn't said anything about her
11 mother, is that correct?

12 A Correct.

13 Q On January 31 Shannon's making suicidal statements
14 again, do you recall that?

15 A Yes.

16 Q On February 7 you're discussing trial preparation
17 with Shannon, do you remember that?

18 A Yes.

19 Q And you were instructing her what to wear and not
20 to wear any makeup, do you recall that?

21 A Yes, I do.

22 Q You told her not to look too old, do you remember
23 that?

24 A Yes.

25 Q And you told Shannon that you would meet her and

Elizabeth Chesebro - Cross

1101

1 bring her a pizza with extra cheese, do you recall that?

2 A That's what she asked for lunch that day.

3 Q And it's during that time that Shannon's taking
4 Celexa, correct?

5 A Yes.

6 Q And she's taking Risperdal, correct?

7 A Yes.

8 Q And she's taking Trazodone, correct?

9 A Yes.

10 Q Now you learn on February 10 that George Lang's
11 computer contained no pictures of Shannon O'Connor, is that
12 correct?

13 A Yes.

14 Q And you made a note of that in your case notes?

15 A Yes.

16 Q And then you were informed on February 11 that this
17 case was going to generate a lot of media attention, do you
18 recall that?

19 A Yes.

20 Q And you talked to Shannon and told her that the
21 case was going to be federal, do you recall that?

22 A Yes.

23 Q And Shannon was shocked to hear that her mother was
24 arrested and the case was going to be federal, do you recall
25 that?

Elizabeth Chesebro - Cross

1102

1 A Yes.

2 Q And Shannon immediately stated she wanted to meet
3 the prosecutor, do you remember that?

4 A Yes.

5 Q She wanted to know who was going to be working on
6 things, correct?

7 A Yes.

8 Q And you told Shannon that you were very proud of
9 her during that phone conversation, do you recall that?

10 A Yes, I did say that, because she had been taken off
11 of continuous observation.

12 Q And on February 13, Walter Burkett called you
13 because he had read the paper, do you recall that?

14 A Yes.

15 Q He was shocked?

16 MR. LOVRIC: Objection.

17 Q Do you recall?

18 THE COURT: Sustained.

19 Q You told Walter Burkett --

20 MR. LOVRIC: Objection.

21 MISS PEEBLES: To what?

22 THE COURT: Let her finish the question.

23 MR. LOVRIC: It's hearsay. It doesn't matter
24 what the question is.

25 MISS PEEBLES: She told Walter Burkett --

Elizabeth Chesebro - Cross

1103

1 THE COURT: That is hearsay. What this
2 witness said in an out-of-court statement to somebody else is
3 hearsay, even though the whole trial --

4 MISS PEEBLES: But, Judge, I would say I'm not
5 offering it for the truth of the matter.

6 THE COURT: You're not.

7 MISS PEEBLES: I am --

8 THE COURT: What are you offering it for?

9 MISS PEEBLES: For state of mind.

10 THE COURT: Okay. I'll let it come in for
11 that purpose.

12 BY MISS PEEBLES:

13 Q You told Walter Burkett that the information
14 gathered by your agency and the police led to Linda having
15 traded Shannon for rent money, that's what you told Walter
16 Burkett Jr., correct?

17 A That's what I recorded here, yes.

18 Q On that same day Shannon's taken again to the
19 hospital by ambulance, correct?

20 A Yes.

21 Q And she was in the hospital for three days on that
22 particular occasion?

23 A I don't recall the exact amount of time, yes.

24 Q And again, there was no finding after that hospital
25 stay, is that fair to say?

Elizabeth Chesebro - Cross

1104

1 A Correct.

2 Q And on February 22 you spoke to Shannon on the
3 phone. Do you recall that?

4 A Yes.

5 Q And she wanted a big party at the hospital, do you
6 remember that?

7 A Yes.

8 Q And she stated she wanted you to bring everyone
9 from DSS and have a big party, do you remember that?

10 A Yes.

11 Q On March 7 you brought Shannon to meet Mr. Lovric,
12 do you remember that?

13 A Yes.

14 Q And after you met with -- well, the next day you
15 took Shannon to the Barnes & Noble and then you took her to a
16 movie, do you recall that?

17 A Yes.

18 Q And she had asked you if you were going to be the
19 one to drive her to college when she started college, do you
20 recall that?

21 A Yes.

22 Q On March 18 Shannon no longer wants Lisa
23 Florance-Diaz as her counselor, is that correct?

24 A Yes.

25 Q And in fact she says she's not helping her anymore,

Elizabeth Chesebro - Cross

1105

1 is that correct?

2 A That's Shannon's report.

3 Q She thought at that point you were the only person
4 she had in her life, is that correct?

5 A I believe that's what she did report that day.

6 Q And Shannon was taken out of the psychiatric
7 hospital and placed at Hillside -- sometime in April of 2008
8 this year, is that correct, last month?

9 A I believe it was March 26.

10 Q At that point she leaves and she's at Hillside
11 March 26?

12 A Yes.

13 Q And there's an Easter celebration at Hillside?

14 A No. There was -- Easter was before she was at
15 Hillside.

16 Q Well, did you go to a family dinner at the
17 Hillside --

18 A Yes, I did.

19 Q -- for Shannon? Did you make her an Easter basket?

20 A The agency put together an Easter basket.

21 Q Did you take her to Wal-Mart?

22 A Yes.

23 Q Back on October 31 -- strike that. Back on
24 October 29, during the interview session, during the
25 videotaped interview of Shannon, at the end when the two of

Elizabeth Chesebro - Cross

1106

1 you are sitting in the room by yourself, do you remember
2 that?

3 A Yes.

4 Q There's a conversation about a Halloween party, do
5 you recall that?

6 A Yes.

7 Q In fact, Shannon's asking you whether you're going
8 to attend her Halloween party, do you recall that?

9 A Yes.

10 Q And you kind of nodded like you were, do you
11 remember that?

12 A Yes.

13 Q You didn't go to the Halloween party, correct?

14 A My grandfather was hit by a car and passed away.

15 Q Very sorry to hear that. Shannon didn't know that?

16 A She knew I had a family emergency and I was not
17 able to attend to her.

18 Q You weren't able to go to the Halloween party
19 because of this tragedy?

20 A Yes.

21 Q And at that time Shannon went nuts and started
22 banging her head against the wall that night at the Halloween
23 party, is that correct?

24 A It was the same night, yes.

25 Q And she had to be given stat medications at that

Elizabeth Chesebro - Cross

1107

1 point?

2 A I don't recall if she was given stat meds at that
3 point.

4 Q She was also taken off site with Dr. Toth, her
5 psychiatrist, a couple of times, is that true?

6 A Yes.

7 Q And she went to dinner with her one time, is that
8 correct?

9 A I'm not aware of that.

10 Q Did she go to an antique store, do you recall that?

11 A Yes.

12 Q Shannon is currently on the antipsychotic
13 medication Seroquel?

14 A Yes.

15 Q I just want to ask you a couple more questions
16 about the e-mail communication that you had with Shannon.

17 A Okay.

18 Q Probably had how many communications, 20 or so?

19 A That or less, I would say.

20 Q Pardon?

21 A That or less than.

22 Q And as a result of her being able to access your
23 MySpace page she was allowed to gain access to a lot of your
24 personal information, is that fair to say?

25 A Whatever was available on my page, yes.

Elizabeth Chesebro - Cross

1108

1 Q And in your MySpace page you talk about liking Bud
2 Light, do you remember that?

3 A It's very possible. I'm not sure when you access
4 it shows that page as well either though.

5 Q Was it fair to say there were a lot of references
6 to alcohol consumption?

7 A I am of legal age.

8 Q I understand that.

9 A Okay.

10 Q I'm just saying --

11 A Yeah.

12 Q -- in your MySpace --

13 A There likely was, yes.

14 Q Adult content, I should say, a lot of adult content
15 contained in your MySpace?

16 A There was at that time, yes.

17 Q Shannon drafted a lot of poems throughout her stays
18 at the psychiatric hospital, is that correct?

19 A Yes.

20 Q And a lot of these poems, is it fair to say, they
21 come right from her heart, is that a fair statement?

22 A Yeah. What she shared with me, yes.

23 Q And one in particular that she mentioned to you and
24 she mentioned to you the day she was being videotaped in that
25 interview on October 29 was, you can love me or you can hate

Elizabeth Chesebro - Cross

1109

1 me, but you will think of me. She came up with that,
2 correct?

3 A She -- that's what she had told me, yes.

4 Q Is it fair to say that Mrs. O'Connor has been
5 thinking about Shannon for a long time?

6 A Yes.

7 MISS PEEBLES: No further questions.

8 THE COURT: Mr. Lovric.

9 MR. LOVRIC: If I can just have a moment,
10 Judge?

11 THE COURT: Sure. If we can have a moment.

12 REDIRECT EXAMINATION

13 BY MR. LOVRIC:

14 Q Miss Chesebro, I'd like to just follow up on some
15 questions brought up by Miss Peebles and Mr. Fischer.

16 Miss Chesebro, when Shannon attempted to commit
17 suicide on November 6 of 2007, did you become aware of a
18 suicide note that she left?

19 A Yes.

20 Q Do you have a copy of that note?

21 A I do.

22 Q Is that in your copy of the file?

23 A Yes.

24 Q Could you pull that note out?

25 A How many pages is it, two? Two.

Elizabeth Chesebro - Redirect

1110

1 MR. LOVRIC: Judge, I'd like to have that
2 marked if I could.

3 THE COURT: All right.

4 MR. LOVRIC: Judge, I'd like to have this
5 marked as Government's Exhibit Number 111.

6 THE COURT: Okay.

7 BY MR. LOVRIC:

8 Q To your knowledge was this the note that Shannon
9 had left when she tried to commit suicide on November 6,
10 2007?

11 A Yes.

12 MR. LOVRIC: Judge, I would offer Government's
13 Number 111 into evidence.

14 MR. FISCHER: No objection.

15 MISS PEEBLES: No objection.

16 THE COURT: Okay. We'll receive Government's
17 Number 111 in evidence.

18 BY MR. LOVRIC:

19 Q Miss Chesebro, I'm going to put on the screen
20 Government's 111, the first page. Do you see that?

21 A Yes.

22 Q And if I could, I'm going to read that note that we
23 see on the screen, page 1. It reads, "Don't feel bad for me.
24 I don't feel a thing. Death was the only way to get rid of
25 all the pain. The reason I killed myself was because I had

Elizabeth Chesebro - Redirect

1111

1 to go. I had to get away," and it's scratched out, the word.
2 And below it says, "from all the pain I was going through.
3 Please don't be mad just because I'm dead. Maybe you'll be
4 happy just like my mother is going to be. I'm dead when my
5 heart was," and crossed out "stolen," and below that is
6 "broken. When you read this, I'll be dead."

7 And I'm going to next put page 2 on the document
8 camera. Is that the second part of that note?

9 A Yes.

10 Q And on the left-hand side there are three numbers,
11 1, 2 and 3. In front of 1 it has a "No shower." In front of
12 2 it says, "Yes bedroom." 3, "No candles." And I'll read
13 below that first one. "Mom told me to go upstairs with
14 towels. Mom sat by the door, took photo, watched. 3, photos
15 with candles." Below that, "If you tell, I will stab you,"
16 and it has a line blank "you while you die." And then below
17 that it reads, "Mom said it's better than being homeless."
18 And then at the top right-hand portion it has number 1,
19 "August 1." Number 2, "A week from when I got home." 3, it
20 says "Thanksgiving." 4, "Two weeks after Thanksgiving." 5,
21 "B'day." 6, "A week -- a week later B'day. New Year's." 7,
22 "January two weeks before I went to Kim." And then to the
23 left it has again "shower," below it "bedroom," below it
24 "candles." This was the note that was found at some point
25 after Shannon tried to commit suicide?

Elizabeth Chesebro - Redirect

1112

1 A Yes.

2 Q Based on what information you had prior to November
3 6 of 2007, the things that are left in this note, the things
4 that are talked about in this note, are there things that
5 Shannon wrote in this note that were consistent with what she
6 had said had been done to her by either her mother or Dean
7 Sacco?

8 MISS PEEBLES: Objection.

9 THE COURT: Sustained.

10 Q Okay. Let's talk about what Shannon had told you
11 with respect to what Linda O'Connor had done to her with
12 respect to the sex abuse. Had Shannon disclosed to you
13 anything regarding Linda O'Connor taking pictures?

14 A Yes, she had.

15 Q What was it that she said about Linda O'Connor
16 taking pictures?

17 A That her mom had taken pictures while she was being
18 sexually abused by Mr. Sacco.

19 Q And at some point did Shannon say anything about
20 candles being lit during any of the rapes that occurred to
21 her?

22 A Yes.

23 Q What was it that she said about candles?

24 A The final time that photographs were taken, there
25 were candles lit throughout the room in which she was being

Elizabeth Chesebro - Redirect

1113

1 raped.

2 Q And at some point did Shannon reveal and disclose
3 to DSS things that were done to her by Linda O'Connor in the
4 shower and in the bedroom?

5 A Yes.

6 Q And what did she disclose about what was done to
7 her in the shower and the bedroom?

8 MISS PEEBLES: Your Honor, I'm going to
9 object. She's already testified about this and it's in
10 evidence. The videotape's in evidence.

11 THE COURT: Well, she's --

12 MISS PEEBLES: Asked and answered.

13 THE COURT: He's apparently relating this to
14 the writing, is that right, Mr. Lovric?

15 MR. LOVRIC: Yes, Judge.

16 THE COURT: And the Court sustained an
17 objection to whether or not what she said was consistent on
18 the writing, consistent with what she had said before to this
19 witness. Are you attempting to show that consistency?

20 MR. LOVRIC: Well, I'm doing it without asking
21 for opinion though.

22 THE COURT: I understand that, Mr. Lovric.

23 MR. LOVRIC: Yes.

24 THE COURT: I didn't need an analysis of that.
25 Yes or no, are you doing --

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1 MR. LOVRIC: Yes.

2 THE COURT: -- to show there was consistency?

3 MR. LOVRIC: Yes.

4 THE COURT: You may do that. Overruled.

5 BY MR. LOVRIC:

6 Q Do you remember the question, Miss Chesebro?

7 A I need it repeated, please.

8 Q What, if any, information did Shannon O'Connor
9 provide to the Department of Social Services about sexual
10 abuse by Linda O'Connor that included shower and a bedroom?

11 A She provided information that her mom had begun
12 touching her inappropriately while in the process of bathing
13 immediately prior, immediately before.

14 Q Okay. And what, if any, information had Shannon
15 O'Connor provided to DSS about the number of times that Dean
16 Sacco had raped her?

17 A She provided that there had been seven instances.

18 Q And the note that we're looking at right now, that
19 I just read, does it have references to those topics that I
20 just asked you about?

21 A Yes, it does.

22 Q Now, this -- Miss Peebles had asked you a number of
23 questions regarding whether you had taken Shannon to a number
24 of places; I think Wal-Mart, shopping, to the mall. I think
25 if you recall, there was a question about whether you'd given

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1 Shannon apparel for winter, winter clothing, things like
2 that. Was that your personal money that you were spending on
3 Shannon?

4 A No.

5 Q Where did that money come from?

6 A It was the department's money.

7 Q What department?

8 A Department of Social Services.

9 Q And was Shannon the only person that you ever
10 bought these kind of items for?

11 A No.

12 Q Was it unusual for what you did for Shannon as
13 compared to other children that were in similar situations as
14 Shannon?

15 A No.

16 Q Have you ever -- have you ever taken -- without
17 getting into names, have you ever taken another child that
18 you were a caseworker for shopping?

19 A Yes.

20 Q Had you ever bought another child that you were a
21 caseworker for clothing, if they needed certain clothing?

22 A Yes.

23 Q How about to the movies?

24 A I have not taken other children to the movies.

25 Q Okay. Have you spent money, DSS money on other

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1 children depending on their needs or depending on what they
2 might like to do?

3 A Yes.

4 Q Okay. So, all those things that Miss Peebles asked
5 you that you did with Shannon, I take it this was not your
6 personal assets or money that you were spending on her?

7 A No.

8 Q And is it fair or not that the things you did for
9 Shannon were the typical kind of things that you or other
10 caseworkers did for other children who were either in foster
11 care or in the type of need that Shannon was in?

12 A Considering the circumstances, at the time, yes, it
13 would be consistent with what we would normally do, yes.

14 Q And were -- were your supervisors aware of these
15 things that you were doing with Shannon and providing for
16 her?

17 A Yes.

18 Q In fact, when you -- when you had to get money in
19 order to expend on something for Shannon, how would you go
20 about doing that?

21 A There were a variety of ways we can get the money.
22 Whether it was purchasing it on a Wal-Mart card, having it
23 taken out of her clothing allotment from the department or
24 being reimbursed later.

25 Q Okay. But I take it there's a protocol, a

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1 procedure that's followed?

2 A Yes.

3 Q You don't just -- you just don't do it or spend it
4 and nobody knows what it's spent on or where it's went?

5 A No.

6 Q Is that correct?

7 A Yes.

8 Q Now, Miss Peebles asked you about what you knew
9 about the George Lang computer and the forensics done on
10 that. Do you remember that question?

11 A Yes.

12 Q Do you know exactly what was in fact found on that
13 computer?

14 A No.

15 Q Okay. So you were given a small piece of
16 information that you indicated to Miss Peebles, but do you
17 know all the things that were or were not located on that
18 computer?

19 A No.

20 Q Do you know all the details about that?

21 A No.

22 Q I'd like to talk a little bit about -- Miss Peebles
23 asked you some questions about what you had or had not
24 reported back to either Linda O'Connor as far as what Shannon
25 might have said or wanted and then vice versa, vice versa,

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1 what you might have reported back to Shannon as far as what
2 Linda O'Connor wanted to be conveyed to her or not. Do you
3 understand the issue or the topic I want to talk about?

4 A I think so.

5 Q Okay. That wasn't the clearest -- let me start
6 with -- in your line of work, when you're working as a
7 caseworker -- and I'm going to talk about this case
8 specifically, the Linda O'Connor and Shannon O'Connor case,
9 in January of 2008.

10 A Okay.

11 Q Moving forward, by that I mean January, February,
12 March of 2008, do you have an obligation as a caseworker to
13 report to Linda everything that Shannon wants or doesn't want
14 you to tell Linda O'Connor?

15 A No. It's done on a case-by-case basis.

16 Q How about the other way? Do you have, as a
17 caseworker, an obligation to tell Shannon everything that
18 Linda O'Connor would like to tell Shannon or would like her
19 to know?

20 A Again, it's on a case-by-case basis.

21 Q And what does that depend on?

22 A All different things are taken into account.
23 Primarily with this case, a lot of times things were
24 dependent on Shannon's mental health status, how stable she
25 was at the time and the content of the information, how it

1 was suspected it would influence or affect her.

2 Q Okay. For example, when Miss Peebles asked you a
3 number of questions and she gave you a number of dates and
4 said, did you speak to Linda O'Connor and did she tell you to
5 say the following to Shannon and then Miss Peebles asked you
6 did you say that to Shannon, do you remember those line of
7 questions?

8 A Yes.

9 Q When those kind of things are happening with Linda
10 O'Connor, are you also speaking to any other health care
11 providers for Shannon as to what information Shannon should
12 be given or not given?

13 A Yes.

14 Q Why's that?

15 A What was the question?

16 Q Why is it you're speaking to Shannon's either
17 psychologist or mental health worker as to whether or not you
18 should be conveying some information from Linda O'Connor to
19 Shannon?

20 A Because we wanted to assess whether there was an
21 appropriate time for Shannon to have such information or
22 contact with her mom.

23 Q Okay. Now, this -- this line of questions that
24 Miss Peebles talked to you about in January, specifically
25 whether you had conveyed information back and forth to either

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1 Shannon or Linda, this is -- this is after Shannon has
2 described the sexual abuse at the hand of Linda O'Connor?

3 A Yes.

4 Q Given that information, would you ever have allowed
5 Linda O'Connor to have direct contact with Shannon, physical
6 contact, given that Shannon had described this sex abuse?

7 A Once again, it's all done on a case-by-case basis.
8 In this case it wasn't just my decision, it was her mental
9 therapist saying it was not in Shannon's best interest to
10 have any contact with her mommy.

11 Q It wasn't as though you simply decided on your own
12 you weren't going to pass along information from Linda
13 O'Connor to Shannon?

14 A No.

15 Q And vice versa, from Linda O'Connor on to Shannon?

16 A Yes.

17 Q And it wasn't simply your decision?

18 A No.

19 Q I take it the mental health persons that were
20 mentioned, Dr. Toth, for example, is a person that was
21 greatly involved with these kind of decision-making
22 processes?

23 A Yes.

24 Q And then Miss Florance-Diaz at some point?

25 A Yes.

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1 Q And were there other mental health workers at the
2 health center as well?

3 A There were a whole team of people that were working
4 with Shannon there.

5 Q So am I correct or not, is it simply Elizabeth
6 Chesebro that's making these decisions?

7 A No, it's not just me making the decisions.

8 Q During the time you were the caseworker for Linda
9 O'Connor and Shannon, based on your observations and also
10 communications with Linda O'Connor and with Shannon, did you
11 form any conclusions as to the kind of relationship that
12 Linda O'Connor and Shannon had, how they related to each
13 other in terms of, was it a mother/daughter relationship, or
14 was it something other than a mother/daughter relationship?

15 A I saw it more as peers. They were acting more on a
16 peer-to-peer level.

17 Q What do you mean by that?

18 A Just from my observations and information I
19 gathered, it appeared that, more than Linda setting down the
20 rules and having consequences for Shannon, things like that,
21 there was -- Shannon was treated more as just a friend.
22 Someone who was an adult, not a teenage child.

23 Q And what was wrong with that?

24 A I just -- based on my training and my professional
25 capacity, I don't feel that that's in a child's best

1 interest.

2 Q Okay. So, when you say peer to peer, Miss O'Connor
3 was not treating Shannon as a daughter but more like a buddy?

4 A That's fair to say.

5 Q And based on your experience and your professional
6 view, that was simply not an appropriate relationship?

7 A Not the typical relationship, not the most
8 functional relationships either.

9 Q Taking Shannon out on her birthday. Any other
10 children at the health center get special treatment on their
11 birthday?

12 A Yeah, they all do.

13 Q Okay. So that's something that's done to kind of
14 recognize a special day for them?

15 A Yeah. That would be typical for someone's
16 birthday.

17 Q Okay. Now, I'd like to ask a question that I
18 thought I heard, and I just want to ask if you heard it,
19 whether it was correct. Miss Peebles asked you a question
20 about Shannon having auditory and visual hallucinations.
21 Were there any visual hallucinations reported?

22 A Not to my knowledge.

23 Q If that was stated that's not correct, I take it?

24 A No.

25 Q It was just auditory?

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1 A Yes.

2 Q And what was the auditory that was reported?

3 A Crying babies and the voices of her abusers.

4 Q That's what Shannon reported she was hearing?

5 A That was reported to the health center staff, which
6 they relayed out to me.

7 Q And Miss Peebles asked you -- gave you three dates,
8 December 4, 2007, December 5 and December 7, and asked you
9 whether or not you had conveyed to Shannon that Linda
10 O'Connor had called you and was seeking to either speak or
11 contact Shannon. Do you remember that line of questions?

12 A Yes.

13 Q And that's right at the time, isn't it, that
14 Shannon is disclosing to Miss Florance-Diaz the final
15 disclosure about the sex abuse that occurred all the way back
16 to when she was 11 years old in Deposit, New York?

17 A Yes.

18 Q That's right around the time, December 5?

19 A Yes.

20 Q And that's also the time that these three separate
21 days Linda O'Connor is attempting to make contact with
22 Shannon?

23 A She attempted contact with three --

24 Q Through --

25 A -- but that was in the time period.

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1 Q Were you aware or were you not at that time frame,
2 December of 2007, that the Norwich Police Department had
3 commenced to investigate Linda O'Connor as far as sexual
4 abuse was concerned?

5 A I was aware.

6 Q You knew that from whom?

7 A Detective Pat Blenis.

8 Q And did you share that with Linda O'Connor?

9 A No.

10 Q Why not?

11 A That's my role -- that was not my role. I was to
12 leave that portion of things to the investigators.

13 Q But you didn't tell Linda O'Connor that the police
14 were also investigating her, did you?

15 A No.

16 Q Miss Chesebro, do you remember Miss Peebles showed
17 you Defense O'Connor Exhibit 28 and 29 which are in evidence,
18 the letters that you sent to Linda O'Connor where you
19 expressed to her in sum and substance the appropriateness of
20 what she should or should not write or communicate to
21 Shannon?

22 A Yes.

23 Q Do you remember those letters?

24 A Yes.

25 Q Do you need me to show them to you or you pretty

1 much know --

2 A I know the basis of them.

3 Q Okay. What was it that you were trying to
4 communicate to Linda O'Connor?

5 A I was trying to suggest ways to better communicate
6 with her daughter, things to ask about that Shannon would
7 give answers to, such as things she had done, recent
8 activities, her upcoming school schedule, things like that,
9 as a way of kind of keeping her involved in Linda's life but
10 by having Shannon report that stuff, not me report that
11 stuff.

12 Q Okay. And I'm going to put on the screen Defense
13 Exhibit 28 that's in evidence. Can you see that, Miss
14 Chesebro?

15 A Yes.

16 Q And I'd like to read the letter. It says
17 September 12, 2007. "Dear Linda: The issue of having
18 Shannon visit you at jail has been discussed with both
19 Shannon's mental health counselor and her law guardian." Now
20 her law guardian, a law guardian is what?

21 A It's court appointed through Family Court, and the
22 law guardian represents the child and no one other than the
23 child.

24 Q And is the law guardian an actual lawyer?

25 A Yes.

1 Q Okay. And do they have legal rights to represent
2 the child based on the judge's orders?

3 A Yes.

4 Q And then it reads, "Based on the consultations with
5 those individuals, it would appear it is not in Shannon's
6 best interest to visit you while you are incarcerated.
7 Shannon has struggled with recent feelings of guilt as a
8 result of your incarceration. In addition, she is very
9 uncomfortable knowing Mr. Sacco is housed at the same
10 correctional facility as yourself. Therefore, I hope you can
11 appreciate the current position that visitation at this time
12 would not be beneficial to her." This is what you sent to
13 Linda O'Connor?

14 A Yes.

15 Q And this was in response to Linda O'Connor
16 requesting and stating that she would like personal visits
17 from Shannon with her at the Chenango County Jail?

18 A Yes.

19 Q And I take it that this was again not your decision
20 alone?

21 A No.

22 Q And I take it that one of the reasons is, what it
23 says in the letter, that Shannon simply going to the same
24 jail that Linda O'Connor and Mr. Sacco are incarcerated,
25 would probably not be in her best mental health?

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1 A Correct.

2 Q I'm going to put on the screen the Defense Exhibit
3 Number 29, dated September 6 of 2007. Can you see that?

4 A Yes.

5 Q And in there you write, it reads, "Dear Linda: I'm
6 returning the enclosed letter because I don't feel it is
7 necessary for Shannon to know all the details about your
8 medication. That is a personal matter which Shannon has no
9 control over. You handled things very well two phone calls
10 ago when you told Shannon you've lost weight and in turn your
11 medications have been decreased. In the letter, however,
12 there are many more details that a 13-year-old does --
13 13-year-old does not need to know about, such as your blood
14 work and the specifics of your medications. While Shannon
15 does worry about your health, it will do her more good to
16 know that you've lost weight but not burden her with the
17 specifics."

18 You then go on to say, "Another thing I've noticed,
19 throughout your letters you tend to call yourself Mommy.
20 I've yet to hear Shannon refer to you in that way. She may
21 associate better with the letters if you call yourself Mom,
22 which is how she typically refers to you. Although Shannon
23 is a child, she's 13 and has begun to mature, and Mommy is
24 typically something heard from someone much younger. At
25 times in the letters it seems you aren't sure of things to

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1 talk about. Here are some suggestions." Then you list five
2 different suggestions for Miss O'Connor to consider talking
3 about in your communications, is that right?

4 A Yes.

5 Q And the reason you did this was, I take it, because
6 based on your and the other mental health experts, you feel
7 that certain things Shannon simply should not be burdened
8 with having to know details about?

9 A Yes.

10 Q And you made some suggestions to Miss O'Connor?

11 A Yes.

12 Q Now Miss Peebles spoke to you, Miss Chesebro, about
13 a conversation I believe you had with Amanda Hartman in
14 connection to whether Shannon believed that Linda O'Connor
15 was aware of Dean Sacco raping her and whether or not she
16 believed it was in exchange for rent. Do you recall that
17 line of questioning?

18 A Yes.

19 Q Now, that occurred approximately when, that
20 conversation with Amanda Hartman? Maybe I can help you. If
21 you can look at August approximately.

22 A August 29 of '07.

23 Q Now as of August 29 of '07, obviously October 25
24 hasn't yet occurred, has it?

25 A No.

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1 Q So that October 25 disclosure by Shannon to you has
2 not taken place yet?

3 A Correct.

4 Q And I know I'm stating the obvious, but the
5 December 5 disclosures have not occurred yet either?

6 A Correct.

7 Q So this information that was conveyed to you first
8 came to you from Amanda Hartman. And she was whom in
9 relation to Shannon?

10 A She was her mental health therapist.

11 Q And was Amanda Hartman meeting with Shannon in
12 therapy sessions?

13 A Yes.

14 Q And was this information something that Amanda
15 Hartman learned through therapy sessions with Shannon?

16 A Yes.

17 Q And so this information is being conveyed to you
18 but prior to you knowing all the details that Shannon reveals
19 on October 25 and then later additionally other details on
20 December 5?

21 A Yes.

22 Q Okay. And can you -- can you read what it is that
23 was told to you by Amanda Hartman?

24 A Would you like the whole progress note read?

25 Q Sure.

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1 A "PC, phone call from Amanda Hartman, CCMH, Chenango
2 County Mental Health Clinic. She met with Shannon yesterday.
3 Shannon seemed much happier and relieved that they're taking
4 a break from the trauma narrative. Shannon did not ask but
5 Amanda did let her know they will revisit the narrative in
6 the future. First Amanda will be addressing all of the
7 coping skills again. Yesterday they spoke for a little bit
8 about the abuse. Shannon disclosed that her mom was aware of
9 what Dean was doing. Amanda asked Shannon in an open-ended
10 fashion why her mom would know she was abused but not do
11 anything about it? Shannon then told Amanda she thought it
12 was because they weren't able to pay the rent. In essence
13 Shannon disclosed knowing her mom was prostituting her to pay
14 the rent. I told Amanda I've had my suspicions all along
15 about that but did not have anything concrete such as a
16 disclosure. Shannon talked about not talking to her foster
17 parent about what is going on in her head. Shannon told
18 Amanda she is comfortable talking to her, Amanda, and myself,
19 caseworker Chesebro, but not them because she doesn't want
20 anything at home to change. Amanda will bring Kim in to
21 discuss what Shannon needs for support and how to handle the
22 situation. Amanda asked that I not tell Shannon she is the
23 one who brought the prostitution to my attention. She does
24 not want their developing working relationship to be
25 jeopardized. Amanda asked if there will be additional

1 charges based on the new information. I told her that would
2 be up to law enforcement but is a possibility. I asked
3 Amanda if she could write something up about yesterday's
4 disclosure. She said if necessary she could and she'd be
5 willing to speak with law enforcement as well. In Amanda's
6 opinion Shannon should never return to Linda's care.
7 Shannon's next appointment is 9/19/07 at 4 PM. End of note."

8 Q So that was something that came out during private
9 therapy sessions --

10 A Yes.

11 Q -- between Shannon and Amanda Hartman?

12 A Yes.

13 Q And then it wasn't until sometime later that
14 Shannon disclosed specific details, including some of the
15 topics that she spoke to Amanda Hartman about?

16 A Yes.

17 Q Now, Miss Peebles talked to you about a suicide
18 gesture on November 6 of 2007. In your view was what Shannon
19 tried to do to herself a gesture?

20 A I think it was a very real attempt on her behalf.

21 Q Why do you believe that?

22 A Based on the information, the hospital staff
23 reported to me that they felt she was near -- she nearly lost
24 consciousness and that she was very upset that she hadn't
25 been successful in killing herself.

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1 Q Did you obtain information about how it was that
2 Shannon tried to kill herself on November 6?

3 A Yes.

4 Q How was it that she tried to kill herself?

5 A She used a shoelace around her neck.

6 Q What did she do?

7 A She pulled the shoelace --

8 Q To what extent?

9 A To the extent that there were brush marks that the
10 shoelace left around her windpipe, around the neck area and
11 petechiae around her face.

12 Q What's petechiae?

13 A I'm not a medical professional, obviously, but my
14 understanding is that it's burst capillaries under the skin
15 that are caused by trauma in the adjacent areas.

16 Q So is it fair to say that's when blood vessels
17 actually break because the blood is under such pressure from
18 something that is holding back the blood flow?

19 A That's my understanding, yeah.

20 Q Now, on March 2007 you were asked questions --
21 excuse me. Miss Peebles asked you questions about March 2,
22 2007, and the disclosure made by Shannon to the Norwich
23 Police Department. Do you recall the topic being discussed
24 by Miss Peebles?

25 A Yes.

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1 Q And you were asked that you did not reveal any
2 information to Linda O'Connor about that disclosure at that
3 time, did you?

4 A Yes.

5 Q Why not?

6 A There was a current law enforcement investigation.
7 That was their responsibility to handle that portion.

8 Q And at that time when that disclosure is made by
9 Shannon, did you have any idea whether or not Linda O'Connor
10 was involved at that time?

11 A I had no information at that point.

12 Q Okay. So you didn't know?

13 A No.

14 Q And when that disclosure was made by Shannon
15 March 2, 2007, as of that date you did know that Linda
16 O'Connor had violated a court order and allowed Dean Sacco
17 access to Shannon?

18 A Yes.

19 Q Has that already occurred some months prior to
20 that?

21 A Correct.

22 Q Were the communication rules, the dos and don'ts,
23 were those things explained to Miss Linda O'Connor?

24 A Yes, they were.

25 Q How many, one time, more than once?

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1 A More than once. She also signed visitation rules
2 that are generally used for parents that are ordered to have
3 supervised visits.

4 Q So it wasn't as though these things -- when she
5 would send a letter and it would be returned to her, it
6 wasn't as though this should have been a surprise to Linda
7 O'Connor?

8 A No.

9 Q Okay. I mean, she had been told about what she
10 should or shouldn't communicate in letters or phone calls,
11 for that matter?

12 A You can never anticipate everything that might be
13 touched on, but she was given examples of what would and
14 wouldn't be appropriate.

15 MR. LOVRIC: Can I just have a moment, Judge?

16 THE COURT: That's it?

17 MR. LOVRIC: No, I want a moment.

18 I have a few other questions.

19 THE COURT: Okay.

20 BY MR. LOVRIC:

21 Q Miss Chesebro, I'd like to ask you a couple of
22 questions about in evidence S-13, Chenango Memorial Hospital
23 records on March 12, 2007. Do you remember being asked by
24 Mr. Fischer about taking Shannon to be examined by Dr.
25 Waters?

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1 A Yes.

2 Q And at some point you were asked by Mr. Fischer
3 whether or not Shannon provided information to the doctor and
4 staff there about the sexual abuse. Do you recall that?

5 A Yes.

6 Q Did Shannon provide information to them?

7 A She did provide.

8 Q What kind of information did she provide to them on
9 that date?

10 A She provided information about a general overview
11 of the abuse she had endured, answered his questions about
12 her own physical health.

13 Q Okay. Did she tell the doctor that she had been
14 penetrated, sexually penetrated, vaginally penetrated?

15 A Yes. The doctor was aware of that.

16 Q So she did discuss and inform him that she had had
17 sexual intercourse in the course of Mr. Dean Sacco raping
18 her?

19 A Yes.

20 Q Okay. So the doctor was aware of that?

21 A Yes.

22 Q I'd like to put on the screen, it's Defense S-13,
23 and I'm going to turn to page 5 of that exhibit. Can you
24 read that, Miss Chesebro?

25 A Yes.

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1 Q Okay. And reading -- as soon as I find the part
2 I'm trying to read, I'll read it.

3 MR. LOVRIC: I'm sorry, Judge. I'm just
4 trying to focus on the place that I wanted to read.

5 Q And I'll point to it on the screen, on page 5. Can
6 you see that green arrow, Miss Chesebro?

7 A Yes.

8 Q And did the examination reveal, as stated on page
9 5, an abnormal genital inspection and it reads, "Completely
10 torn hymen, no acute trauma, no hematoma or lacerations,
11 hymen not intact"? And was that the finding based on that
12 examination by Dr. Waters?

13 A Yes.

14 Q And then below it reads, Clinical Impression, and
15 the doctor writes down, "Sexual assault"?

16 A Yes.

17 THE COURT: I think we're going to quit for
18 today. I imagine there's going to be some more
19 cross-examination tomorrow after you finish. So, tomorrow is
20 another 9:30 day. I don't have anything to worry about
21 before you folks get here as far as this trial is concerned.
22 So let me remind you not to discuss the matter among
23 yourselves, with anybody else or permit anyone to discuss it
24 with you. No research, no media.

25 Have a nice evening. Enjoy the rain.

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1 (Jury excused)

2 (Court stands adjourned)

3 C E R T I F I C A T I O N

4
5
6 I, VICKY A. THELEMAN, RPR, CRR, United
7 States Court Reporter in and for the United States
8 District Court, Northern District of New York, do
9 hereby certify that I attended at the time and place
10 set forth in the heading hereof; that I did make a
11 stenographic record of the proceedings had in this
12 matter and cause the same to be transcribed; that
13 the foregoing is a true and correct copy of the same
14 and the whole thereof.

15
16
17 _____
18 VICKY A. THELEMAN, RPR, CRR
19 United States Court Reporter
20 US District Court - NDNY
21
22

23 Dated: August 15, 2008.
24
25

VICKY ANN THELEMAN, RPR, CRR
UNITED STATES DISTRICT COURT